
SUBSTITUTE HOUSE BILL 1371

State of Washington

62nd Legislature

2011 Regular Session

By House State Government & Tribal Affairs (originally sponsored by Representatives Darneille and Hunt; by request of Governor Gregoire)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to boards and commissions; amending RCW 72.23.025,
2 74.39A.095, 74.39A.220, 74.39A.240, 74.39A.250, 74.39A.260, 43.105.340,
3 67.16.012, 9.95.003, 9.95.005, 9.95.007, 9.95.140, 9.95.280, 9.95.300,
4 9.96.050, 71.05.385, 72.09.585, 77.12.670, 77.12.690, 77.08.045,
5 18.200.010, 18.200.050, 18.200.070, 77.12.850, 18.106.110, 49.04.010,
6 36.93.051, 15.92.090, 43.160.030, 70.94.537, 38.52.040, 70.168.020,
7 67.17.050, 43.365.030, 41.60.015, 43.20A.685, 79A.30.030, 28A.300.136,
8 43.46.015, 43.46.081, 43.34.080, 72.09.070, 72.09.090, 72.09.100,
9 72.09.015, 72.62.020, 72.09.080, 43.31.425, 43.31.422, 18.280.040,
10 18.140.230, 18.140.010, 18.140.240, 9.94A.860, 18.44.221, 18.44.251,
11 18.44.195, 18.44.510, 18.44.500, 15.76.170, 15.76.110, 15.76.110,
12 16.57.015, 16.57.353, 43.03.220, 43.03.230, 43.03.240, 43.03.250,
13 43.03.265, 43.03.050, and 43.03.060; reenacting and amending RCW
14 74.39A.270, 41.56.030, 18.44.011, and 28A.290.010; adding a new section
15 to chapter 39.29 RCW; adding a new section to chapter 28A.300 RCW;
16 adding a new section to chapter 43.03 RCW; decodifying RCW 74.39A.290
17 and 4.24.5502; repealing RCW 79A.25.220, 70.127.041, 74.39A.230,
18 74.39A.280, 77.12.680, 18.200.060, 28B.10.922, and 77.12.856; providing
19 an effective date; and declaring an emergency.

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

1 **Eastern State Hospital Board and Western State Hospital Board**

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

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

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

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

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

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

26 ~~(iv) One community mental health service provider;~~

27 ~~(v) Two citizens with no financial or professional interest in~~
28 ~~mental health services;~~

29 ~~(vi) One representative of the regional support network in which~~
30 ~~the hospital is located;~~

31 ~~(vii) One representative from the staff who is a physician;~~

32 ~~(viii) One representative from the nursing staff;~~

33 ~~(ix) One representative from the other professional staff;~~

34 ~~(x) One representative from the nonprofessional staff; and~~

35 ~~(xi) One representative of a minority community.~~

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

1 ~~(c) Members shall serve four-year terms. Members of the board~~
2 ~~shall be reimbursed for travel expenses as provided in RCW 43.03.050~~
3 ~~and 43.03.060 and shall receive compensation as provided in RCW~~
4 ~~43.03.240.~~

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

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

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

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

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

12 ~~and~~

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

15 (4)) (a) There is established at eastern state hospital and
16 western state hospital, institutes for the study and treatment of
17 mental disorders. The institutes shall be operated by joint operating
18 agreements between state colleges and universities and the department
19 of social and health services. The institutes are intended to conduct
20 training, research, and clinical program development activities that
21 will directly benefit ((mentally ill)) persons with mental illness who
22 are receiving treatment in Washington state by performing the following
23 activities:

24 (i) Promote recruitment and retention of highly qualified
25 professionals at the state hospitals and community mental health
26 programs;

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

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

32 (iv) Promote bilateral understanding of treatment orientation,
33 possibilities, and challenges between state hospital professionals and
34 community mental health professionals.

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

37 (i) Enter joint operating agreements with state universities or
38 other institutions of higher education to accomplish the placement and

1 training of students and faculty in psychiatry, psychology, social
2 work, occupational therapy, nursing, and other relevant professions at
3 the state hospitals and community mental health programs;

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

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

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

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

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

20 **Firearms Range Advisory Committee**

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

24 **Home Care Quality Authority**

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

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

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

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

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

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

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

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

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

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

20 (d) Reassessing and reauthorizing services;

21 (e) Monitoring of individual provider performance(~~(. If, in the~~
22 ~~course of its case management activities, the area agency on aging~~
23 ~~identifies concerns regarding the care being provided by an individual~~
24 ~~provider who was referred by the authority, the area agency on aging~~
25 ~~must notify the authority regarding its concerns))); and~~

26 (f) Conducting criminal background checks or verifying that
27 criminal background checks have been conducted for any individual
28 provider (~~(who has not been referred to a consumer by the authority)~~).
29 Individual providers who are hired after January 1, 2012, are subject
30 to background checks under RCW 74.39A.055.

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

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

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

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

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

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

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

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

20 (h)(i) Except as provided in (h)(ii) of this subsection, a clear
21 statement indicating that a consumer receiving services under this
22 section has the right to waive any of the case management services
23 offered by the area agency on aging under this section, and a clear
24 indication of whether the consumer has, in fact, waived any of these
25 services.

26 (ii) The consumer's right to waive case management services does
27 not include the right to waive reassessment or reauthorization of
28 services, or verification that services are being provided in
29 accordance with the plan of care.

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

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

36 (5) A copy of the plan of care must be distributed to the
37 consumer's primary care provider, individual provider, and other

1 relevant providers with whom the consumer has frequent contact, as
2 authorized by the consumer.

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

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

22 (8) The department or area agency on aging may reject a request by
23 a consumer receiving services under this section to have a family
24 member or other person serve as his or her individual provider if the
25 case manager has a reasonable, good faith belief that the family member
26 or other person will be unable to appropriately meet the care needs of
27 the consumer. The consumer may request a fair hearing to contest the
28 decision of the case manager, as provided in chapter 34.05 RCW. The
29 department may by rule adopt guidelines for implementing this
30 subsection.

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

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

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

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

5 (3) Quality long-term in-home care services allow Washington
6 seniors, persons with disabilities, and their families the choice of
7 allowing seniors and persons with disabilities to remain in their
8 homes, rather than forcing them into institutional care such as nursing
9 homes. Long-term in-home care services are also less costly, saving
10 Washington taxpayers significant amounts through lower reimbursement
11 rates.

12 ~~((4) The quality of long-term in-home care services in Washington
13 would benefit from improved regulation, higher standards, better
14 accountability, and improved access to such services. The quality of
15 long-term in-home care services would further be improved by a well-
16 trained, stable individual provider workforce earning reasonable wages
17 and benefits.~~

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

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

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

29 The definitions in this section apply throughout RCW 74.39A.030 and
30 74.39A.095 and 74.39A.220 through 74.39A.300, and 41.56.026(~~(7~~
31 ~~70.127.041, and 74.09.740)) unless the context clearly requires
32 otherwise.~~

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

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

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

1 ~~((4))~~ (2) "Department" means the department of social and health
2 services.

3 (3) "Individual provider" means a person, including a personal
4 aide, who has contracted with the department to provide personal care
5 or respite care services to functionally disabled persons under the
6 medicaid personal care, community options program entry system, chore
7 services program, or respite care program, or to provide respite care
8 or residential services and support to persons with developmental
9 disabilities under chapter 71A.12 RCW, or to provide respite care as
10 defined in RCW 74.13.270.

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

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

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

27 ~~(b) Undertake recruiting activities to identify and recruit~~
28 ~~individual providers and prospective individual providers;~~

29 ~~(c) Provide training opportunities, either directly or through~~
30 ~~contract, for individual providers, prospective individual providers,~~
31 ~~consumers, and prospective consumers;~~

32 ~~(d))~~ The department shall provide assistance to consumers and
33 prospective consumers in finding individual providers and prospective
34 individual providers through the establishment of a referral registry
35 of individual providers and prospective individual providers. Before
36 placing an individual provider or prospective individual provider on

1 the referral registry, the ~~((authority))~~ department shall determine
2 that:

3 ~~((i))~~ (a) The individual provider or prospective individual
4 provider has met the minimum requirements for training set forth in RCW
5 74.39A.050;

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

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

12 ~~(e) Remove~~)).

13 (2) The department shall remove from the referral registry any
14 individual provider or prospective individual provider ~~((the authority~~
15 ~~determines))~~ that does not ~~((to))~~ meet the qualifications set forth in
16 ~~((d) of this))~~ subsection (1) of this section or to have committed
17 misfeasance or malfeasance in the performance of his or her duties as
18 an individual provider. The individual provider or prospective
19 individual provider, or the consumer to which the individual provider
20 is providing services, may request a fair hearing to contest the
21 removal from the referral registry, as provided in chapter 34.05 RCW(~~(+~~

22 ~~(f) Provide routine, emergency, and respite referrals of individual~~
23 ~~providers and prospective individual providers to consumers and~~
24 ~~prospective consumers who are authorized to receive long-term in-home~~
25 ~~care services through an individual provider;~~

26 ~~(g))~~).

27 (3) The department shall give preference in the recruiting,
28 training, referral, and employment of individual providers and
29 prospective individual providers to recipients of public assistance or
30 other low-income persons who would qualify for public assistance in the
31 absence of such employment(~~(+~~and

32 ~~(h) Cooperate with the department, area agencies on aging, and~~
33 ~~other federal, state, and local agencies to provide the services~~
34 ~~described and set forth in this section. If, in the course of carrying~~
35 ~~out its duties, the authority identifies concerns regarding the~~
36 ~~services being provided by an individual provider, the authority must~~
37 ~~notify the relevant area agency or department case manager regarding~~
38 ~~such concerns.~~

1 ~~(2) In determining how best to carry out its duties, the authority~~
2 ~~must identify existing individual provider recruitment, training, and~~
3 ~~referral resources made available to consumers by other state and local~~
4 ~~public, private, and nonprofit agencies. The authority may coordinate~~
5 ~~with the agencies to provide a local presence for the authority and to~~
6 ~~provide consumers greater access to individual provider recruitment,~~
7 ~~training, and referral resources in a cost-effective manner. Using~~
8 ~~requests for proposals or similar processes, the authority may contract~~
9 ~~with the agencies to provide recruitment, training, and referral~~
10 ~~services if the authority determines the agencies can provide the~~
11 ~~services according to reasonable standards of performance determined by~~
12 ~~the authority. The authority must provide an opportunity for consumer~~
13 ~~participation in the determination of the standards)).~~

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

16 The department must perform criminal background checks for
17 individual providers and prospective individual providers (~~and ensure~~
18 ~~that the authority has ready access to any long term care abuse and~~
19 ~~neglect registry used by the department)). Individual providers who
20 are hired after January 1, 2012, are subject to background checks under
21 RCW 74.39A.055.~~

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

24 (1) Solely for the purposes of collective bargaining and as
25 expressly limited under subsections (2) and (3) of this section, the
26 governor is the public employer, as defined in chapter 41.56 RCW, of
27 individual providers, who, solely for the purposes of collective
28 bargaining, are public employees as defined in chapter 41.56 RCW. To
29 accommodate the role of the state as payor for the community-based
30 services provided under this chapter and to ensure coordination with
31 state employee collective bargaining under chapter 41.80 RCW and the
32 coordination necessary to implement RCW 74.39A.300, the public employer
33 shall be represented for bargaining purposes by the governor or the
34 governor's designee appointed under chapter 41.80 RCW. The governor or
35 governor's designee shall periodically consult with the authority
36 during the collective bargaining process to allow the authority to

1 communicate issues relating to the long-term in-home care services
2 received by consumers. (~~The governor or the governor's designee shall~~
3 ~~consult the authority on all issues for which the exclusive bargaining~~
4 ~~representative requests to engage in collective bargaining under~~
5 ~~subsections (6) and (7) of this section.~~) The ((authority))
6 department shall ((~~work with~~)) solicit input from the developmental
7 disabilities council, the governor's committee on disability issues and
8 employment, the state council on aging, and other consumer advocacy
9 organizations to obtain informed input from consumers on their
10 interests, including impacts on consumer choice, for all issues
11 proposed for collective bargaining under subsections (5) and (6) ((~~and~~
12 ~~(7)~~)) of this section.

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

16 (a) The only unit appropriate for the purpose of collective
17 bargaining under RCW 41.56.060 is a statewide unit of all individual
18 providers;

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

22 (c) The mediation and interest arbitration provisions of RCW
23 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

24 (i) With respect to commencement of negotiations between the
25 governor and the bargaining representative of individual providers,
26 negotiations shall be commenced by May 1st of any year prior to the
27 year in which an existing collective bargaining agreement expires; and

28 (ii) The decision of the arbitration panel is not binding on the
29 legislature and, if the legislature does not approve the request for
30 funds necessary to implement the compensation and fringe benefit
31 provisions of the arbitrated collective bargaining agreement, is not
32 binding on the authority or the state;

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

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

37 (3) Individual providers who are public employees solely for the
38 purposes of collective bargaining under subsection (1) of this section

1 are not, for that reason, employees of the state, its political
2 subdivisions, or an area agency on aging for any purpose. Chapter
3 41.56 RCW applies only to the governance of the collective bargaining
4 relationship between the employer and individual providers as provided
5 in subsections (1) and (2) of this section.

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

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

16 ~~(6))~~ Except as expressly limited in this section and RCW
17 74.39A.300, the wages, hours, and working conditions of individual
18 providers are determined solely through collective bargaining as
19 provided in this chapter. No agency or department of the state may
20 establish policies or rules governing the wages or hours of individual
21 providers. However, this subsection does not modify:

22 (a) The department's authority to establish a plan of care for each
23 consumer or its core responsibility to manage long-term in-home care
24 services under this chapter, including determination of the level of
25 care that each consumer is eligible to receive. However, at the
26 request of the exclusive bargaining representative, the governor or the
27 governor's designee appointed under chapter 41.80 RCW shall engage in
28 collective bargaining, as defined in RCW 41.56.030(4), with the
29 exclusive bargaining representative over how the department's core
30 responsibility affects hours of work for individual providers. This
31 subsection shall not be interpreted to require collective bargaining
32 over an individual consumer's plan of care;

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

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

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

4 (e) The department's obligation to comply with the federal medicaid
5 statute and regulations and the terms of any community-based waiver
6 granted by the federal department of health and human services and to
7 ensure federal financial participation in the provision of the
8 services; and

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

16 ~~((+7+))~~ (6) At the request of the exclusive bargaining
17 representative, the governor or the governor's designee appointed under
18 chapter 41.80 RCW shall engage in collective bargaining, as defined in
19 RCW 41.56.030(4), with the exclusive bargaining representative over
20 employer contributions to the training partnership for the costs of:
21 (a) Meeting all training and peer mentoring required under this
22 chapter; and (b) other training intended to promote the career
23 development of individual providers.

24 ~~((+8+(a+))~~ (7) The state, the department, ~~((the authority,))~~ the
25 area agencies on aging, or their contractors under this chapter may not
26 be held vicariously or jointly liable for the action or inaction of any
27 individual provider or prospective individual provider, whether or not
28 that individual provider or prospective individual provider was
29 included on the ~~((authority's))~~ referral registry or referred to a
30 consumer or prospective consumer. The existence of a collective
31 bargaining agreement, the placement of an individual provider on the
32 referral registry, or the development or approval of a plan of care for
33 a consumer who chooses to use the services of an individual provider
34 and the provision of case management services to that consumer, by the
35 department or an area agency on aging, does not constitute a special
36 relationship with the consumer.

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

1 ~~(9))~~ (8) Nothing in this section affects the state's
2 responsibility with respect to unemployment insurance for individual
3 providers. However, individual providers are not to be considered, as
4 a result of the state assuming this responsibility, employees of the
5 state.

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

8 As used in this chapter:

9 (1) "Adult family home provider" means a provider as defined in RCW
10 70.128.010 who receives payments from the medicaid and state-funded
11 long-term care programs.

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

15 (3) "Child care subsidy" means a payment from the state through a
16 child care subsidy program established pursuant to RCW 74.12.340 or
17 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor
18 program.

19 (4) "Collective bargaining" means the performance of the mutual
20 obligations of the public employer and the exclusive bargaining
21 representative to meet at reasonable times, to confer and negotiate in
22 good faith, and to execute a written agreement with respect to
23 grievance procedures and collective negotiations on personnel matters,
24 including wages, hours and working conditions, which may be peculiar to
25 an appropriate bargaining unit of such public employer, except that by
26 such obligation neither party shall be compelled to agree to a proposal
27 or be required to make a concession unless otherwise provided in this
28 chapter.

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

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

32 (7) "Family child care provider" means a person who: (a) Provides
33 regularly scheduled care for a child or children in the home of the
34 provider or in the home of the child or children for periods of less
35 than twenty-four hours or, if necessary due to the nature of the
36 parent's work, for periods equal to or greater than twenty-four hours;

1 (b) receives child care subsidies; and (c) is either licensed by the
2 state under RCW 74.15.030 or is exempt from licensing under chapter
3 74.15 RCW.

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

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

9 ~~((10))~~ (9) "Institution of higher education" means the University
10 of Washington, Washington State University, Central Washington
11 University, Eastern Washington University, Western Washington
12 University, The Evergreen State College, and the various state
13 community colleges.

14 ~~((11))~~ (10)(a) "Language access provider" means any independent
15 contractor who provides spoken language interpreter services for
16 department of social and health services appointments or medicaid
17 enrollee appointments, or provided these services on or after January
18 1, 2009, and before June 10, 2010, whether paid by a broker, language
19 access agency, or the department.

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

22 ~~((12))~~ (11) "Public employee" means any employee of a public
23 employer except any person (a) elected by popular vote, or (b)
24 appointed to office pursuant to statute, ordinance or resolution for a
25 specified term of office as a member of a multimember board,
26 commission, or committee, whether appointed by the executive head or
27 body of the public employer, or (c) whose duties as deputy,
28 administrative assistant or secretary necessarily imply a confidential
29 relationship to (i) the executive head or body of the applicable
30 bargaining unit, or (ii) any person elected by popular vote, or (iii)
31 any person appointed to office pursuant to statute, ordinance or
32 resolution for a specified term of office as a member of a multimember
33 board, commission, or committee, whether appointed by the executive
34 head or body of the public employer, or (d) who is a court commissioner
35 or a court magistrate of superior court, district court, or a
36 department of a district court organized under chapter 3.46 RCW, or (e)
37 who is a personal assistant to a district court judge, superior court

1 judge, or court commissioner. For the purpose of (e) of this
2 subsection, no more than one assistant for each judge or commissioner
3 may be excluded from a bargaining unit.

4 ~~((+13+))~~ (12) "Public employer" means any officer, board,
5 commission, council, or other person or body acting on behalf of any
6 public body governed by this chapter, or any subdivision of such public
7 body. For the purposes of this section, the public employer of
8 district court or superior court employees for wage-related matters is
9 the respective county legislative authority, or person or body acting
10 on behalf of the legislative authority, and the public employer for
11 nonwage-related matters is the judge or judge's designee of the
12 respective district court or superior court.

13 ~~((+14+))~~ (13) "Uniformed personnel" means: (a) Law enforcement
14 officers as defined in RCW 41.26.030 employed by the governing body of
15 any city or town with a population of two thousand five hundred or more
16 and law enforcement officers employed by the governing body of any
17 county with a population of ten thousand or more; (b) correctional
18 employees who are uniformed and nonuniformed, commissioned and
19 noncommissioned security personnel employed in a jail as defined in RCW
20 70.48.020(9), by a county with a population of seventy thousand or
21 more, and who are trained for and charged with the responsibility of
22 controlling and maintaining custody of inmates in the jail and
23 safeguarding inmates from other inmates; (c) general authority
24 Washington peace officers as defined in RCW 10.93.020 employed by a
25 port district in a county with a population of one million or more; (d)
26 security forces established under RCW 43.52.520; (e) firefighters as
27 that term is defined in RCW 41.26.030; (f) employees of a port district
28 in a county with a population of one million or more whose duties
29 include crash fire rescue or other firefighting duties; (g) employees
30 of fire departments of public employers who dispatch exclusively either
31 fire or emergency medical services, or both; or (h) employees in the
32 several classes of advanced life support technicians, as defined in RCW
33 18.71.200, who are employed by a public employer.

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

36 (1) The department shall coordinate among state agencies to develop

1 a consumer protection web site. The web site shall serve as a one-stop
2 web site for consumer information. At a minimum, the web site must
3 provide links to information on:

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

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

11 (c) Financial information provided by the department of financial
12 institutions, including consumer information on financial fraud,
13 investing, credit, and enforcement actions;

14 (d) Health care information provided by the department of health,
15 including health care provider listings and quality assurance
16 information;

17 ~~(e) ((Home care information provided by the home care quality
18 authority, including information to assist consumers in finding an in-
19 home provider;~~

20 ~~(f))~~ Licensing information provided by the department of
21 licensing, including information regarding business, vehicle, and
22 professional licensing; and

23 ~~((g))~~ (f) Other information available on existing state agency
24 web sites that could be a helpful resource for consumers.

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

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

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

1 **Horse Racing Commission--Reducing Commission Members**

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

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

23 **Indeterminate Sentencing Review Board**

24 **Sec. 14.** RCW 9.95.003 and 2007 c 362 s 1 are each amended to read
25 as follows:

26 The board is created within the department. The board shall
27 consist of a ((~~chairman~~)) chair and four other members, each of whom
28 shall be appointed by the ((~~governor with the consent of the senate~~))
29 secretary. Each member shall hold office for a term of five years, and
30 until his or her successor is appointed and qualified. The terms shall
31 expire on April 15th of the expiration year. Vacancies in the
32 membership of the board shall be filled by appointment by the
33 ((~~governor with the consent of the senate~~)) secretary. In the event of
34 the inability of any member to act, the ((~~governor~~)) secretary shall
35 appoint some competent person to act in his stead during the

1 continuance of such inability. The members shall not be removable
2 during their respective terms except for cause determined by the
3 superior court of Thurston county. The ~~((governor))~~ secretary in
4 appointing the members shall designate one of them to serve as
5 ~~((chairman))~~ chair at the ~~((governor's))~~ secretary's pleasure. The
6 appointed ~~((chairman))~~ chair shall serve as a fully participating board
7 member ~~((and as the director of the agency))~~.

8 The members of the board and ~~((its officers and employees))~~ staff
9 assigned to the board shall not engage in any other business or
10 profession or hold any other public office without the prior approval
11 of the executive ethics board indicating compliance with RCW 42.52.020,
12 42.52.030, 42.52.040 and 42.52.120; nor shall they, at the time of
13 appointment or employment or during their incumbency, serve as the
14 representative of any political party on an executive committee or
15 other governing body thereof, or as an executive officer or employee of
16 any political committee or association. The members of the board shall
17 each severally receive salaries ~~((fixed by the governor))~~ in accordance
18 with the provisions of RCW 43.03.040, and in addition shall receive
19 travel expenses incurred in the discharge of their official duties in
20 accordance with RCW 43.03.050 and 43.03.060. Members of the board and
21 employees assigned to the board shall be employees of the department.

22 The ~~((board))~~ secretary may employ ~~((, and fix, with the approval of~~
23 ~~the governor, the compensation of and prescribe the duties of))~~ a
24 senior administrative officer and such ~~((officers, employees, and~~
25 ~~assistants))~~ other personnel as may be necessary ~~((, and provide~~
26 ~~necessary quarters, supplies, and equipment))~~ to carry out the duties
27 of the board.

28 **Sec. 15.** RCW 9.95.005 and 2001 2nd sp.s. c 12 s 318 are each
29 amended to read as follows:

30 The board shall meet at major state correctional institutions at
31 such times as may be necessary for a full and complete study of the
32 cases of all convicted persons whose durations of confinement are to be
33 determined by it; whose community custody supervision is under the
34 board's authority; or whose applications for parole come before it.
35 Other times and places of meetings may also be fixed by the board.

36 The superintendents of the different institutions shall provide

1 suitable quarters for the board (~~and assistants~~) while in the
2 discharge of their duties.

3 **Sec. 16.** RCW 9.95.007 and 1986 c 224 s 5 are each amended to read
4 as follows:

5 The board may meet and transact business in panels. Each board
6 panel shall consist of at least two members of the board. In all
7 matters concerning the internal affairs of the board and policy-making
8 decisions, a majority of the full board must concur in such matters.
9 The (~~chairman~~) chair of the board with the consent of a majority of
10 the board may designate any two members to exercise all the powers and
11 duties of the board in connection with any hearing before the board.
12 If the two members so designated cannot unanimously agree as to the
13 disposition of the hearing assigned to them, such hearing shall be
14 reheard by the full board. All actions of the full board shall be by
15 concurrence of a majority of the sitting board members.

16 **Sec. 17.** RCW 9.95.140 and 2009 c 28 s 29 are each amended to read
17 as follows:

18 (1) The board shall cause a complete record to be kept of every
19 prisoner under the jurisdiction of the board released on parole or
20 community custody. Such records shall be organized in accordance with
21 the most modern methods of filing and indexing so that there will be
22 always immediately available complete information about each such
23 prisoner. Subject to information sharing provisions related to
24 (~~mentally ill~~) offenders(~~(7)~~) with mental illness and the end of
25 sentence review committee, (~~and the department of corrections,~~) the
26 board may make rules as to the privacy of such records and their use by
27 others than the board and (~~its~~) the department staff assigned to
28 perform board-related duties. Sex offenders convicted of crimes
29 committed before July 1, 1984, who are under the board's jurisdiction
30 shall be subject to the determinations of the end of sentence review
31 committee regarding risk level and subject to sex offender registration
32 and community notification. The board and the department staff
33 assigned to perform board-related duties shall be immune from liability
34 for the release of information concerning sex offenders as provided in
35 RCW 4.24.550.

1 The superintendents of state correctional facilities and all
2 officers and employees thereof and all other public officials shall at
3 all times cooperate with the board and furnish to the board(~~(, its~~
4 ~~officers, and employees)) and staff assigned to perform board-related
5 duties such information as may be necessary to enable it to perform its
6 functions, and such superintendents and other employees shall at all
7 times give the members of the board(~~(, its officers, and employees))
8 and staff assigned to perform board-related duties free access to all
9 prisoners confined in the state correctional facilities.~~~~

10 (2) Offenders sentenced under RCW 9.94A.507 shall be subject to the
11 determinations of the end of sentence review committee regarding risk
12 level and subject to sex offender registration and community
13 notification.

14 (3) The end of sentence review committee shall make law enforcement
15 notifications for offenders under board jurisdiction on the same basis
16 that it notifies law enforcement regarding offenders sentenced under
17 chapter 9.94A RCW for crimes committed after July 1, 1984.

18 **Sec. 18.** RCW 9.95.280 and 2001 2nd sp.s. c 12 s 344 are each
19 amended to read as follows:

20 The secretary, upon recommendation by the board, may deputize any
21 person (regularly employed by another state) to act as an officer and
22 agent of this state in effecting the return of any person convicted of
23 a crime committed before July 1, 1984, who has violated the terms and
24 conditions of parole or probation as granted by this state. In any
25 matter relating to the return of such a person, any agent so deputized
26 shall have all the powers of a police officer of this state.

27 **Sec. 19.** RCW 9.95.300 and 2001 2nd sp.s. c 12 s 346 are each
28 amended to read as follows:

29 The secretary, upon recommendation by the board, may enter into
30 contracts with similar officials of any other state or states for the
31 purpose of sharing an equitable portion of the cost of effecting the
32 return of any person who has violated the terms and conditions of
33 parole, probation, or community custody as granted by this state.

34 **Sec. 20.** RCW 9.96.050 and 2009 c 325 s 4 are each amended to read
35 as follows:

1 (1)(a) When an offender on parole has performed all obligations of
2 his or her release, including any and all legal financial obligations,
3 for such time as shall satisfy the indeterminate sentence review board
4 that his or her final release is not incompatible with the best
5 interests of society and the welfare of the paroled individual, the
6 board may make a final order of discharge and issue a certificate of
7 discharge to the offender.

8 (b) The board retains the jurisdiction to issue a certificate of
9 discharge after the expiration of the offender's or parolee's maximum
10 statutory sentence. If not earlier granted and any and all legal
11 financial obligations have been paid, the board shall issue a final
12 order of discharge three years from the date of parole unless the
13 parolee is on suspended or revoked status at the expiration of the
14 three years.

15 (c) The discharge, regardless of when issued, shall have the effect
16 of restoring all civil rights not already restored by RCW 29A.08.520,
17 and the certification of discharge shall so state.

18 (d) This restoration of civil rights shall not restore the right to
19 receive, possess, own, or transport firearms.

20 (e) The board shall issue a certificate of discharge to the
21 offender in person or by mail to the offender's last known address.

22 (2) (~~The board shall send to the department of corrections~~) A
23 copy of every signed certificate of discharge for offender sentences
24 under the authority of the department of corrections shall be placed in
25 the department's files.

26 (3) The discharge provided for in this section shall be considered
27 as a part of the sentence of the convicted person and shall not in any
28 manner be construed as affecting the powers of the governor to pardon
29 any such person.

30 **Sec. 21.** RCW 71.05.385 and 2009 c 320 s 2 are each amended to read
31 as follows:

32 (1) A mental health service provider shall release to the persons
33 authorized under subsection (2) of this section, upon request:

34 (a) The fact, place, and date of an involuntary commitment, the
35 fact and date of discharge or release, and the last known address of a
36 person who has been committed under this chapter.

1 (b) Information related to mental health services, in the format
2 determined under subsection (9) of this section, concerning a person
3 who:

4 (i) Is currently committed to the custody or supervision of the
5 department of corrections or the indeterminate sentence review board
6 under chapter 9.94A or 9.95 RCW;

7 (ii) Has been convicted or found not guilty by reason of insanity
8 of a serious violent offense; or

9 (iii) Was charged with a serious violent offense and such charges
10 were dismissed under RCW 10.77.086.

11 Legal counsel may release such information to the persons
12 authorized under subsection (2) of this section on behalf of the mental
13 health service provider, provided that nothing in this subsection shall
14 require the disclosure of attorney work product or attorney-client
15 privileged information.

16 (2) The information subject to release under subsection (1) of this
17 section shall be released to law enforcement officers, personnel of a
18 county or city jail, designated mental health professionals, public
19 health officers, therapeutic court personnel, or personnel of the
20 department of corrections, (~~or personnel of~~) including the
21 indeterminate sentence review board and personnel assigned to perform
22 board-related duties, when such information is requested during the
23 course of business and for the purpose of carrying out the
24 responsibilities of the requesting person's office. No mental health
25 service provider or person employed by a mental health service
26 provider, or its legal counsel, shall be liable for information
27 released to or used under the provisions of this section or rules
28 adopted under this section except under RCW 71.05.440.

29 (3) A person who requests information under subsection (1)(b) of
30 this section must comply with the following restrictions:

31 (a) Information must be requested only for the purposes permitted
32 by this subsection and for the purpose of carrying out the
33 responsibilities of the requesting person's office. Appropriate
34 purposes for requesting information under this section include:

35 (i) Completing presentence investigations or risk assessment
36 reports;

37 (ii) Assessing a person's risk to the community;

1 (iii) Assessing a person's risk of harm to self or others when
2 confined in a city or county jail;

3 (iv) Planning for and provision of supervision of an offender,
4 including decisions related to sanctions for violations of conditions
5 of community supervision; and

6 (v) Responding to an offender's failure to report for department of
7 corrections supervision.

8 (b) Information shall not be requested under this section unless
9 the requesting person has reasonable suspicion that the individual who
10 is the subject of the information:

11 (i) Has engaged in activity indicating that a crime or a violation
12 of community custody or parole has been committed or, based upon his or
13 her current or recent past behavior, is likely to be committed in the
14 near future; or

15 (ii) Is exhibiting signs of a deterioration in mental functioning
16 which may make the individual appropriate for civil commitment under
17 this chapter.

18 (c) Any information received under this section shall be held
19 confidential and subject to the limitations on disclosure outlined in
20 this chapter, except:

21 (i) Such information may be shared with other persons who have the
22 right to request similar information under subsection (2) of this
23 section, solely for the purpose of coordinating activities related to
24 the individual who is the subject of the information in a manner
25 consistent with the official responsibilities of the persons involved;

26 (ii) Such information may be shared with a prosecuting attorney
27 acting in an advisory capacity for a person who receives information
28 under this section. A prosecuting attorney under this subsection shall
29 be subject to the same restrictions and confidentiality limitations as
30 the person who requested the information; and

31 (iii) As provided in RCW 72.09.585.

32 (4) A request for information related to mental health services
33 under this section shall not require the consent of the subject of the
34 records. Such request shall be provided in writing, except to the
35 extent authorized in subsection (5) of this section. A written request
36 may include requests made by e-mail or facsimile so long as the
37 requesting person is clearly identified. The request must specify the
38 information being requested.

1 (5) In the event of an emergency situation that poses a significant
2 risk to the public or the offender, a mental health service provider,
3 or its legal counsel, shall release information related to mental
4 health services delivered to the offender and, if known, information
5 regarding where the offender is likely to be found to the department of
6 corrections or law enforcement upon request. The initial request may
7 be written or oral. All oral requests must be subsequently confirmed
8 in writing. Information released in response to an oral request is
9 limited to a statement as to whether the offender is or is not being
10 treated by the mental health service provider and the address or
11 information about the location or whereabouts of the offender.

12 (6) Disclosure under this section to state or local law enforcement
13 authorities is mandatory for the purposes of the health insurance
14 portability and accountability act.

15 (7) Whenever federal law or federal regulations restrict the
16 release of information contained in the treatment records of any
17 patient who receives treatment for alcoholism or drug dependency, the
18 release of the information may be restricted as necessary to comply
19 with federal law and regulations.

20 (8) This section does not modify the terms and conditions of
21 disclosure of information related to sexually transmitted diseases
22 under chapter 70.24 RCW.

23 (9) In collaboration with interested organizations, the department
24 shall develop a standard form for requests for information related to
25 mental health services made under this section and a standard format
26 for information provided in response to such requests. Consistent with
27 the goals of the health information privacy provisions of the federal
28 health insurance portability and accountability act, in developing the
29 standard form for responsive information, the department shall design
30 the form in such a way that the information disclosed is limited to the
31 minimum necessary to serve the purpose for which the information is
32 requested.

33 **Sec. 22.** RCW 72.09.585 and 2004 c 166 s 5 are each amended to read
34 as follows:

35 (1) When the department is determining an offender's risk
36 management level, the department shall inquire of the offender and
37 shall be told whether the offender is subject to court-ordered

1 treatment for mental health services or chemical dependency services.
2 The department shall request and the offender shall provide an
3 authorization to release information form that meets applicable state
4 and federal requirements and shall provide the offender with written
5 notice that the department will request the offender's mental health
6 and substance abuse treatment information. An offender's failure to
7 inform the department of court-ordered treatment is a violation of the
8 conditions of supervision if the offender is in the community and an
9 infraction if the offender is in confinement, and the violation or
10 infraction is subject to sanctions.

11 (2) When an offender discloses that he or she is subject to court-
12 ordered mental health services or chemical dependency treatment, the
13 department shall provide the mental health services provider or
14 chemical dependency treatment provider with a written request for
15 information and any necessary authorization to release information
16 forms. The written request shall comply with rules adopted by the
17 department of social and health services or protocols developed jointly
18 by the department and the department of social and health services. A
19 single request shall be valid for the duration of the offender's
20 supervision in the community. Disclosures of information related to
21 mental health services made pursuant to a department request shall not
22 require consent of the offender.

23 (3) The information received by the department under RCW 71.05.445
24 or (~~(71.34.225)~~) 71.34.345 may be released to the indeterminate
25 sentence review board as relevant to carry out its responsibility of
26 planning and ensuring community protection with respect to persons
27 under its jurisdiction. Further disclosure by the indeterminate
28 sentence review board is subject to the limitations set forth in
29 subsections (5) and (6) of this section and must be consistent with the
30 written policy of the indeterminate sentence review board. The
31 decision to disclose or not shall not result in civil liability for the
32 indeterminate sentence review board or (~~(its employees)~~) staff assigned
33 to perform board-related duties provided that the decision was reached
34 in good faith and without gross negligence.

35 (4) The information received by the department under RCW 71.05.445
36 or (~~(71.34.225)~~) 71.34.345 may be used to meet the statutory duties of
37 the department to provide evidence or report to the court. Disclosure

1 to the public of information provided to the court by the department
2 related to mental health services shall be limited in accordance with
3 RCW 9.94A.500 or this section.

4 (5) The information received by the department under RCW 71.05.445
5 or (~~(71.34.225)~~) 71.34.345 may be disclosed by the department to other
6 state and local agencies as relevant to plan for and provide offenders
7 transition, treatment, and supervision services, or as relevant and
8 necessary to protect the public and counteract the danger created by a
9 particular offender, and in a manner consistent with the written policy
10 established by the secretary. The decision to disclose or not shall
11 not result in civil liability for the department or its employees so
12 long as the decision was reached in good faith and without gross
13 negligence. The information received by a state or local agency from
14 the department shall remain confidential and subject to the limitations
15 on disclosure set forth in chapters 70.02, 71.05, and 71.34 RCW and,
16 subject to these limitations, may be released only as relevant and
17 necessary to counteract the danger created by a particular offender.

18 (6) The information received by the department under RCW 71.05.445
19 or (~~(71.34.225)~~) 71.34.345 may be disclosed by the department to
20 individuals only with respect to offenders who have been determined by
21 the department to have a high risk of reoffending by a risk assessment,
22 as defined in RCW 9.94A.030, only as relevant and necessary for those
23 individuals to take reasonable steps for the purpose of self-
24 protection, or as provided in RCW 72.09.370(2). The information may
25 not be disclosed for the purpose of engaging the public in a system of
26 supervision, monitoring, and reporting offender behavior to the
27 department. The department must limit the disclosure of information
28 related to mental health services to the public to descriptions of an
29 offender's behavior, risk he or she may present to the community, and
30 need for mental health treatment, including medications, and shall not
31 disclose or release to the public copies of treatment documents or
32 records, except as otherwise provided by law. All disclosure of
33 information to the public must be done in a manner consistent with the
34 written policy established by the secretary. The decision to disclose
35 or not shall not result in civil liability for the department or its
36 employees so long as the decision was reached in good faith and without
37 gross negligence. Nothing in this subsection prevents any person from

1 reporting to law enforcement or the department behavior that he or she
2 believes creates a public safety risk.

3 NEW SECTION. **Sec. 23.** RCW 4.24.5502 is decodified.

4 **Migratory Waterfowl Art Committee**

5 NEW SECTION. **Sec. 24.** RCW 77.12.680 (Migratory waterfowl art
6 committee--Membership--Terms--Vacancies--Chairman--Review of
7 expenditures--Compensation) and 1987 c 506 s 54 & 1985 c 243 s 5 are
8 each repealed.

9 **Sec. 25.** RCW 77.12.670 and 2002 c 283 s 2 are each amended to read
10 as follows:

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

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

31 (3) All revenue derived from the sale of the license validation and
32 stamp by the department to persons hunting solely nonwaterfowl
33 migratory birds shall be deposited in the state wildlife ~~((fund))~~

1 account and shall be used only for that portion of the cost of printing
2 and production of the stamps for nonwaterfowl migratory bird hunters as
3 determined by subsection (4) of this section, and for those
4 nonwaterfowl migratory bird projects specified by the director for the
5 acquisition and development of nonwaterfowl migratory bird habitat in
6 the state and for the enhancement, protection, and propagation of
7 nonwaterfowl migratory birds in the state.

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

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

1 (6) The department may produce migratory bird stamps in any given
2 year in excess of those necessary for sale in that year. The excess
3 stamps may be sold to the (~~migratory waterfowl art committee for sale~~
4 ~~to the~~) public.

5 **Sec. 26.** RCW 77.12.690 and 2009 c 333 s 38 are each amended to
6 read as follows:

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

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

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

1 **Sec. 27.** RCW 77.08.045 and 1998 c 191 s 31 are each amended to
2 read as follows:

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

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

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

8 (3) "Migratory bird stamp" means the stamp that is required by RCW
9 77.32.350 to be in the possession of all persons to hunt migratory
10 birds; and

11 (4) "Prints and artwork" means replicas of the original stamp
12 design that are sold to the general public. Prints and artwork are not
13 to be construed to be the migratory bird stamp that is required by RCW
14 77.32.350. Artwork may be any facsimile of the original stamp design,
15 including color renditions, metal duplications, or any other kind of
16 design(~~(+and~~

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

20 **Orthotic and Prosthetics Advisory Committee**

21 NEW SECTION. **Sec. 28.** RCW 18.200.060 (Advisory committee--
22 Composition--Terms--Duties) and 1997 c 285 s 7 are each repealed.

23 **Sec. 29.** RCW 18.200.010 and 1997 c 285 s 2 are each amended to
24 read as follows:

25 The definitions in this section apply throughout this chapter
26 unless the context clearly requires otherwise.

27 ~~(1) ("Advisory committee" means the orthotics and prosthetics~~
28 ~~advisory committee.~~

29 ~~(2))~~ "Department" means the department of health.

30 ~~((+3))~~ (2) "Secretary" means the secretary of health or the
31 secretary's designee.

32 ~~((+4))~~ (3) "Orthotics" means the science and practice of
33 evaluating, measuring, designing, fabricating, assembling, fitting,
34 adjusting, or servicing, as well as providing the initial training

1 necessary to accomplish the fitting of, an orthosis for the support,
2 correction, or alleviation of neuromuscular or musculoskeletal
3 dysfunction, disease, injury, or deformity. The practice of orthotics
4 encompasses evaluation, treatment, and consultation. With basic
5 observational gait and postural analysis, orthotists assess and design
6 orthoses to maximize function and provide not only the support but the
7 alignment necessary to either prevent or correct deformity or to
8 improve the safety and efficiency of mobility or locomotion, or both.
9 Orthotic practice includes providing continuing patient care in order
10 to assess its effect on the patient's tissues and to assure proper fit
11 and function of the orthotic device by periodic evaluation.

12 ((+5)) (4) "Orthotist" means a person licensed to practice
13 orthotics under this chapter.

14 ((+6)) (5) "Orthosis" means a custom-fabricated, definitive brace
15 or support that is designed for long-term use. Except for the
16 treatment of scoliosis, orthosis does not include prefabricated or
17 direct-formed orthotic devices, as defined in this section, or any of
18 the following assistive technology devices: Commercially available
19 knee orthoses used following injury or surgery; spastic muscle tone-
20 inhibiting orthoses; upper extremity adaptive equipment; finger
21 splints; hand splints; custom-made, leather wrist gauntlets; face masks
22 used following burns; wheelchair seating that is an integral part of
23 the wheelchair and not worn by the patient independent of the
24 wheelchair; fabric or elastic supports; corsets; arch supports, also
25 known as foot orthotics; low-temperature formed plastic splints;
26 trusses; elastic hose; canes; crutches; cervical collars; dental
27 appliances; and other similar devices as determined by the secretary,
28 such as those commonly carried in stock by a pharmacy, department
29 store, corset shop, or surgical supply facility. Prefabricated
30 orthoses, also known as custom-fitted, or off-the-shelf, are devices
31 that are manufactured as commercially available stock items for no
32 specific patient. Direct-formed orthoses are devices formed or shaped
33 during the molding process directly on the patient's body or body
34 segment. Custom-fabricated orthoses, also known as custom-made
35 orthoses, are devices designed and fabricated, in turn, from raw
36 materials for a specific patient and require the generation of an
37 image, form, or mold that replicates the patient's body or body segment

1 and, in turn, involves the rectification of dimensions, contours, and
2 volumes to achieve proper fit, comfort, and function for that specific
3 patient.

4 ((+7)) (6) "Prosthetics" means the science and practice of
5 evaluating, measuring, designing, fabricating, assembling, fitting,
6 aligning, adjusting, or servicing, as well as providing the initial
7 training necessary to accomplish the fitting of, a prosthesis through
8 the replacement of external parts of a human body lost due to
9 amputation or congenital deformities or absences. The practice of
10 prosthetics also includes the generation of an image, form, or mold
11 that replicates the patient's body or body segment and that requires
12 rectification of dimensions, contours, and volumes for use in the
13 design and fabrication of a socket to accept a residual anatomic limb
14 to, in turn, create an artificial appendage that is designed either to
15 support body weight or to improve or restore function or cosmesis, or
16 both. Involved in the practice of prosthetics is observational gait
17 analysis and clinical assessment of the requirements necessary to
18 refine and mechanically fix the relative position of various parts of
19 the prosthesis to maximize the function, stability, and safety of the
20 patient. The practice of prosthetics includes providing continuing
21 patient care in order to assess the prosthetic device's effect on the
22 patient's tissues and to assure proper fit and function of the
23 prosthetic device by periodic evaluation.

24 ((+8)) (7) "Prosthetist" means a person who is licensed to
25 practice prosthetics under this chapter.

26 ((+9)) (8) "Prosthesis" means a definitive artificial limb that is
27 alignable or articulated, or, in lower extremity applications, capable
28 of weight bearing. Prosthesis means an artificial medical device that
29 is not surgically implanted and that is used to replace a missing limb,
30 appendage, or other external human body part including an artificial
31 limb, hand, or foot. The term does not include artificial eyes, ears,
32 fingers or toes, dental appliances, ostomy products, devices such as
33 artificial breasts, eyelashes, wigs, or other devices as determined by
34 the secretary that do not have a significant impact on the
35 musculoskeletal functions of the body. In the lower extremity of the
36 body, the term prosthesis does not include prostheses required for
37 amputations distal to and including the transmetatarsal level. In the

1 upper extremity of the body, the term prosthesis does not include
2 prostheses that are provided to restore function for amputations distal
3 to and including the carpal level.

4 ~~((+10))~~ (9) "Authorized health care practitioner" means licensed
5 physicians, physician's assistants, osteopathic physicians,
6 chiropractors, naturopaths, podiatric physicians and surgeons,
7 dentists, and advanced registered nurse practitioners.

8 **Sec. 30.** RCW 18.200.050 and 1997 c 285 s 6 are each amended to
9 read as follows:

10 In addition to other authority provided by law, the secretary has
11 the authority to:

12 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
13 chapter;

14 (2) Establish administrative procedures, administrative
15 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.
16 All fees collected under this section must be credited to the health
17 professions account as required under RCW 43.70.320;

18 (3) Register applicants, issue licenses to applicants who have met
19 the education, training, and examination requirements for licensure,
20 and deny licenses to applicants who do not meet the minimum
21 qualifications, except that proceedings concerning the denial of
22 credentials based upon unprofessional conduct or impairment are
23 governed by the uniform disciplinary act, chapter 18.130 RCW;

24 (4) Hire clerical, administrative, investigative, and other staff
25 as needed to implement this chapter and hire individuals licensed under
26 this chapter to serve as examiners for any practical examinations;

27 (5) Determine minimum education requirements and evaluate and
28 designate those educational programs from which graduation will be
29 accepted as proof of eligibility to take a qualifying examination for
30 applicants for licensure;

31 (6) Establish the standards and procedures for revocation of
32 approval of education programs;

33 (7) Utilize or contract with individuals or organizations having
34 expertise in the profession or in education to assist in the
35 evaluations;

36 (8) Prepare and administer, or approve the preparation and
37 administration of, examinations for applicants for licensure;

- 1 (9) Determine whether alternative methods of training are
- 2 equivalent to formal education, and establish forms, procedures, and
- 3 criteria for evaluation of an applicant's alternative training to
- 4 determine the applicant's eligibility to take any qualifying
- 5 examination;
- 6 (10) Determine which jurisdictions have licensing requirements
- 7 equivalent to those of this state and issue licenses without
- 8 examinations to individuals licensed in those jurisdictions;
- 9 (11) Define and approve any experience requirement for licensing;
- 10 (12) Implement and administer a program for consumer education;
- 11 (13) Adopt rules implementing continuing competency requirements
- 12 for renewal of the license and relicensing;
- 13 (14) Maintain the official department records of all applicants and
- 14 licensees;
- 15 (15) Establish by rule the procedures for an appeal of an
- 16 examination failure;
- 17 (16) Establish requirements and procedures for an inactive license;
- 18 and
- 19 (17) (~~With the advice of the advisory committee, the secretary~~
- 20 ~~may~~) Recommend collaboration with health professions, boards, and
- 21 commissions to develop appropriate referral protocols.

22 **Sec. 31.** RCW 18.200.070 and 1997 c 285 s 8 are each amended to
23 read as follows:

24 (1) An applicant must file a written application on forms provided
25 by the department showing to the satisfaction of the secretary(~~(, in~~
26 ~~consultation with the advisory committee,~~) that the applicant meets
27 the following requirements:

28 (a) The applicant possesses a baccalaureate degree with coursework
29 appropriate for the profession approved by the secretary, or possesses
30 equivalent training as determined by the secretary pursuant to
31 subsections (3) and (5) of this section;

32 (b) The applicant has the amount of formal training, including the
33 hours of classroom education and clinical practice, in areas of study
34 as the secretary deems necessary and appropriate;

35 (c) The applicant has completed a clinical internship or residency
36 in the professional area for which a license is sought in accordance
37 with the standards, guidelines, or procedures for clinical internships

1 or residencies inside or outside the state as established by the
2 secretary, or that are otherwise substantially equivalent to the
3 standards commonly accepted in the fields of orthotics and prosthetics
4 as determined by the secretary pursuant to subsections (3) and (5) of
5 this section. The secretary must set the internship as at least one
6 year.

7 (2) An applicant for licensure as either an orthotist or
8 prosthetist must pass all written and practical examinations that are
9 required and approved by the secretary (~~in consultation with the~~
10 ~~advisory committee~~)).

11 (3) The standards and requirements for licensure established by the
12 secretary must be substantially equal to the standards commonly
13 accepted in the fields of orthotics and prosthetics.

14 (4) An applicant failing to make the required grade in the first
15 examination may take up to three subsequent examinations as the
16 applicant desires upon prepaying a fee, determined by the secretary
17 under RCW 43.70.250, for each subsequent examination. Upon failing
18 four examinations, the secretary may invalidate the original
19 application and require remedial education before the person may take
20 future examinations.

21 (5) The secretary may waive some of the education, examination, or
22 experience requirements of this section if the secretary determines
23 that the applicant meets alternative standards, established by the
24 secretary through rule, that are substantially equivalent to the
25 requirements in subsections (1) and (2) of this section.

26 **Performance Agreement Committee**

27 NEW SECTION. **Sec. 32.** RCW 28B.10.922 (Performance agreements--
28 State committee--Development of final proposals--Implementation--
29 Updates) and 2008 c 160 s 4 are each repealed.

30 **Salmon Stamp Selection Committee**

31 NEW SECTION. **Sec. 33.** RCW 77.12.856 (Salmon stamp selection
32 committee--Creation) and 1999 c 342 s 5 are each repealed.

1 **Sec. 34.** RCW 77.12.850 and 1999 c 342 s 2 are each amended to read
2 as follows:

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

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

7	Scientific Name	Common Name
8	<i>Oncorhynchus tshawytscha</i>	Chinook salmon
9	<i>Oncorhynchus kisutch</i>	Coho salmon
10	<i>Oncorhynchus keta</i>	Chum salmon
11	<i>Oncorhynchus gorbuscha</i>	Pink salmon
12	<i>Oncorhynchus nerka</i>	Sockeye salmon

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

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

16 ~~(4))~~) "Stamp" means the stamp created under the Washington salmon
17 stamp program and the Washington junior salmon stamp program, created
18 in RCW 77.12.850 through 77.12.860.

19 **PART I - TRANSFER OF APPOINTMENT AUTHORITY**

20 **State Advisory Board of Plumbers**

21 **Sec. 35.** RCW 18.106.110 and 2006 c 185 s 4 are each amended to
22 read as follows:

23 (1) There is created a state advisory board of plumbers, to be
24 composed of seven members appointed by the (~~(governor))~~ director. Two
25 members shall be journeyman plumbers, one member shall be a specialty
26 plumber, three members shall be persons conducting a plumbing business,
27 at least one of which shall be primarily engaged in a specialty
28 plumbing business, and one member from the general public who is
29 familiar with the business and trade of plumbing.

1 (2) The term of one journeyman plumber expires July 1, 1995; the
2 term of the second journeyman plumber expires July 1, 2000; the term of
3 the specialty plumber expires July 1, 2008; the term of one person
4 conducting a plumbing business expires July 1, 1996; the term of the
5 second person conducting a plumbing business expires July 1, 2000; the
6 term of the third person conducting a plumbing business expires July 1,
7 2007; and the term of the public member expires July 1, 1997.
8 Thereafter, upon the expiration of said terms, the ((governor))
9 director shall appoint a new member to serve for a period of three
10 years. However, to ensure that the board can continue to act, a member
11 whose term expires shall continue to serve until his or her replacement
12 is appointed. In the case of any vacancy on the board for any reason,
13 the ((governor)) director shall appoint a new member to serve out the
14 term of the person whose position has become vacant.

15 (3) The advisory board shall carry out all the functions and duties
16 enumerated in this chapter, as well as generally advise the department
17 on all matters relative to this chapter.

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

22 **Sec. 36.** RCW 49.04.010 and 2001 c 204 s 1 are each amended to read
23 as follows:

24 (1) The director of labor and industries shall appoint an
25 apprenticeship council, composed of three representatives each from
26 employer and employee organizations, respectively. The terms of office
27 of the members of the apprenticeship council first appointed by the
28 director of labor and industries shall be as follows: One
29 representative each of employers and employees shall be appointed for
30 one year, two years, and three years, respectively. Thereafter, each
31 member shall be appointed for a term of three years. The ((governor))
32 director of labor and industries shall also appoint a public member to
33 the apprenticeship council for a three-year term. ((The appointment of
34 the public member is subject to confirmation by the senate.)) Each
35 member shall hold office until a successor is appointed and has
36 qualified and any vacancy shall be filled by appointment for the
37 unexpired portion of the term. A designated representative from each

1 of the following: The workforce training and education coordinating
2 board, state board for community and technical colleges, employment
3 security department, and United States department of labor,
4 apprenticeship, training, employer, and labor services, shall be ex
5 officio members of the apprenticeship council. Ex officio members
6 shall have no vote. Each member of the council, not otherwise
7 compensated by public moneys, shall be reimbursed for travel expenses
8 in accordance with RCW 43.03.050 and 43.03.060 and shall be compensated
9 in accordance with RCW 43.03.240.

10 (2) The apprenticeship council is authorized to approve
11 apprenticeship programs, and establish apprenticeship program standards
12 as rules, including requirements for apprentice-related and
13 supplemental instruction, coordination of instruction with job
14 experiences, and instructor qualifications. The council shall consider
15 recommendations from the state board for community and technical
16 colleges on matters of apprentice-related and supplemental instruction,
17 coordination of instruction with job experiences, and instructor
18 qualifications. The rules for apprenticeship instructor qualifications
19 shall either be by reference or reasonably similar to the applicable
20 requirements established by or pursuant to chapter 28B.50 RCW. The
21 council is further authorized to issue such rules as may be necessary
22 to carry out the intent and purposes of this chapter, including a
23 procedure to resolve an impasse should a tie vote of the council occur,
24 and perform such other duties as are hereinafter imposed.

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

28 **Sec. 37.** RCW 36.93.051 and 1991 c 363 s 93 are each amended to
29 read as follows:

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

32 ~~(1) ((Three persons shall be appointed by the governor;~~
33 ~~(2) Three))~~ Four persons shall be appointed by the county
34 appointing authority;

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

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

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

10 The county appointing authority shall designate one of its initial
11 appointees to serve a term of two years, and two of its initial
12 appointees to serve terms of four years, if the appointments are made
13 in an odd-numbered year, or one of its initial appointees to serve a
14 term of one year, and two of its initial appointees to serve terms of
15 three years, if the appointments are made in an even-numbered year,
16 with the length of the term being calculated from the first day of
17 February in the year the appointment was made.

18 The mayors making the initial city and town appointments shall
19 designate two of their initial appointees to serve terms of two years,
20 and one of their initial appointees to serve a term of four years, if
21 the appointments are made in an odd-numbered year, or two of their
22 initial appointees to serve terms of one year, and one of their initial
23 appointees to serve a term of three years, if the appointments are made
24 in an even-numbered year, with the length of the term being calculated
25 from the first day of February in the year the appointment was made.

26 The board shall make two initial appointments from the nominees of
27 special districts, with one appointee serving a term of four years and
28 one initial appointee serving a term of two years, if the appointments
29 are made in an odd-numbered year, or one initial appointee serving a
30 term of three years and one initial appointee serving a term of one
31 year if the appointments are made in an even-numbered year, with the
32 length of the term being calculated from the first day of March in the
33 year in which the appointment is made.

34 After the initial appointments, all appointees shall serve four-
35 year terms.

36 No appointee may be an official or employee of the county or a
37 governmental unit in the county, or a consultant or advisor on a

1 contractual or regular retained basis of the county, any governmental
2 unit in the county, or any agency or association thereof.

3 **Commission on Pesticide Registration**

4 **Sec. 38.** RCW 15.92.090 and 1999 c 247 s 1 are each amended to read
5 as follows:

6 (1) A commission on pesticide registration is established. The
7 commission shall be composed of twelve voting members appointed by the
8 ((governor)) director as follows:

9 (a) Eight members from the following segments of the state's
10 agricultural industry as nominated by a statewide private agricultural
11 association or agricultural commodity commission formed under Title 15
12 RCW: (i) The tree fruit industry; (ii) hop growers; (iii) potato
13 growers; (iv) wheat growers; (v) vegetable and seed growers; (vi) berry
14 growers; (vii) wine grape growers; and (viii) the nursery and landscape
15 industry. Although members are appointed from various segments of the
16 agriculture industry, they are appointed to represent and advance the
17 interests of the industry as a whole.

18 (b) One member from each of the following: (i) Forest protection
19 industry; (ii) food processors; (iii) agricultural chemical industry;
20 and (iv) professional pesticide applicators. One member shall be
21 appointed for each such segment of the industry and shall be nominated
22 by a statewide, private association of that segment of the industry.
23 The representative of the agricultural chemical industry shall be
24 involved in the manufacture of agricultural crop protection products.

25 The following shall be ex officio, nonvoting members of the
26 commission: The coordinator of the interregional project number four
27 at Washington State University; the director of the department of
28 ecology or the director's designee; the director of the department of
29 agriculture or the director's designee; the director of the department
30 of labor and industries or the director's designee; and the secretary
31 of the department of health or the secretary's designee.

32 (2) Each voting member of the commission shall serve a term of
33 three years. ~~((However, the first appointments in the first year shall
34 be made by the governor for one, two, and three year terms so that, in
35 subsequent years, approximately one third of the voting members shall~~

1 ~~be appointed each year. The governor shall assign the initial one,~~
2 ~~two, and three year terms to members by lot.))~~ A vacancy shall be
3 filled by appointment for the unexpired term in the same manner
4 provided for an appointment to the full term. No member of the
5 commission may be removed by the ~~((governor))~~ director during his or
6 her term of office unless for cause of incapacity, incompetence,
7 neglect of duty, or malfeasance in office. Each member of the
8 commission shall receive travel expenses in accordance with RCW
9 43.03.050 and 43.03.060 for attending meetings of the commission and
10 for performing special duties, in the way of official commission
11 business, specifically assigned to the person by the commission. The
12 voting members of the commission serve without compensation from the
13 state other than such travel expenses.

14 (3) ~~((Nominations for the initial appointments to the commission~~
15 ~~under subsection (1) of this section shall be submitted by September 1,~~
16 ~~1995. The governor shall make initial appointments to the commission~~
17 ~~by October 15, 1995.~~

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

23 **Community Economic Revitalization Board**

24 **Sec. 39.** RCW 43.160.030 and 2008 c 327 s 3 are each amended to
25 read as follows:

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

28 (2) The board shall consist of one member from each of the two
29 major caucuses of the house of representatives to be appointed by the
30 speaker of the house and one member from each of the two major caucuses
31 of the senate to be appointed by the president of the senate. The
32 board shall also consist of the following members appointed by the
33 ~~((governor))~~ director of commerce: A recognized private or public
34 sector economist; one port district official; one county official; one
35 city official; one representative of a federally recognized Indian

1 tribe; one representative of the public; one representative of small
2 businesses each from: (a) The area west of Puget Sound, (b) the area
3 east of Puget Sound and west of the Cascade range, (c) the area east of
4 the Cascade range and west of the Columbia river, and (d) the area east
5 of the Columbia river; one executive from large businesses each from
6 the area west of the Cascades and the area east of the Cascades. The
7 appointive members shall initially be appointed to terms as follows:
8 Three members for one-year terms, three members for two-year terms, and
9 three members for three-year terms which shall include the chair.
10 Thereafter each succeeding term shall be for three years. The chair of
11 the board shall be selected by the ((governor)) director of commerce.
12 The members of the board shall elect one of their members to serve as
13 vice-chair. The director of ((community, trade, and economic
14 development)) commerce, the director of revenue, the commissioner of
15 employment security, and the secretary of transportation shall serve as
16 nonvoting advisory members of the board.

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

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

22 (5) If a vacancy occurs by death, resignation, or otherwise of
23 appointive members of the board, the ((governor)) director of commerce
24 shall fill the same for the unexpired term. Members of the board may
25 be removed for malfeasance or misfeasance in office, upon specific
26 written charges by the ((governor)) director of commerce, under chapter
27 34.05 RCW.

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

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

1 **Commute Trip Reduction Board**

2 **Sec. 40.** RCW 70.94.537 and 2006 c 329 s 7 are each amended to read
3 as follows:

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

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

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

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

13 (i) Department of general administration;

14 (ii) Department of ecology;

15 (iii) Department of (~~community, trade, and economic development~~)
16 commerce;

17 (d) Three representatives from cities and towns or counties
18 appointed by the (~~governor~~) secretary of transportation for staggered
19 four-year terms from a list recommended by the association of
20 Washington cities or the Washington state association of counties;

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

24 (f) Two representatives from participating regional transportation
25 planning organizations appointed by the (~~governor~~) secretary of
26 transportation for staggered four-year terms;

27 (g) Four representatives of employers at or owners of major
28 worksites in Washington, or transportation management associations,
29 business improvement areas, or other transportation organizations
30 representing employers, appointed by the (~~governor~~) secretary of
31 transportation for staggered four-year terms; and

32 (h) Two citizens appointed by the (~~governor~~) secretary of
33 transportation for staggered four-year terms.

34 Members of the commute trip reduction board shall serve without
35 compensation but shall be reimbursed for travel expenses as provided in

1 RCW 43.03.050 and 43.03.060. Members appointed by the ((governor))
2 secretary of transportation shall be compensated in accordance with RCW
3 43.03.220. The board has all powers necessary to carry out its duties
4 as prescribed by this chapter.

5 (2) By March 1, 2007, the department of transportation shall
6 establish rules for commute trip reduction plans and implementation
7 procedures. The commute trip reduction board shall advise the
8 department on the content of the rules. The rules are intended to
9 ensure consistency in commute trip reduction plans and goals among
10 jurisdictions while fairly taking into account differences in
11 employment and housing density, employer size, existing and anticipated
12 levels of transit service, special employer circumstances, and other
13 factors the board determines to be relevant. The rules shall include:

14 (a) Guidance criteria for growth and transportation efficiency
15 centers;

16 (b) Data measurement methods and procedures for determining the
17 efficacy of commute trip reduction activities and progress toward
18 meeting commute trip reduction plan goals;

19 (c) Model commute trip reduction ordinances;

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

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

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

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

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

37 (i) Guidelines and deadlines for creating and updating local
38 commute trip reduction plans, including guidance to ensure consistency

1 between the local commute trip reduction plan and the transportation
2 demand management strategies identified in the transportation element
3 in the local comprehensive plan, as required by RCW 36.70A.070;

4 (j) Guidelines for creating and updating regional commute trip
5 reduction plans, including guidance to ensure the regional commute trip
6 reduction plan is consistent with and incorporated into transportation
7 demand management components in the regional transportation plan;

8 (k) Methods for regional transportation planning organizations to
9 evaluate and certify that designated growth and transportation
10 efficiency center programs meet the minimum requirements and are
11 eligible for funding;

12 (l) Guidelines for creating and updating growth and transportation
13 efficiency center programs; and

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

20 (3) The board shall create a state commute trip reduction plan that
21 shall be updated every four years as discussed in subsection (5) of
22 this section. The state commute trip reduction plan shall include, but
23 is not limited to: (a) Statewide commute trip reduction program goals
24 that are designed to substantially improve the mobility of people and
25 goods; (b) identification of strategies at the state and regional
26 levels to achieve the goals and recommendations for how transportation
27 demand management strategies can be targeted most effectively to
28 support commute trip reduction program goals; (c) performance measures
29 for assessing the cost-effectiveness of commute trip reduction
30 strategies and the benefits for the state transportation system; and
31 (d) a sustainable financial plan. The board shall review and approve
32 regional commute trip reduction plans, and work collaboratively with
33 regional transportation planning organizations in the establishment of
34 the state commute trip reduction plan.

35 (4) The board shall work with affected jurisdictions, major
36 employers, and other parties to develop and implement a public
37 awareness campaign designed to increase the effectiveness of local

1 commute trip reduction programs and support achievement of the
2 objectives identified in this chapter.

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

14 (6) The board shall review progress toward implementing commute
15 trip reduction plans and programs and the costs and benefits of commute
16 trip reduction plans and programs and shall make recommendations to the
17 legislature and the governor by December 1, 2009, and every two years
18 thereafter. In assessing the costs and benefits, the board shall
19 consider the costs of not having implemented commute trip reduction
20 plans and programs with the assistance of the transportation
21 performance audit board authorized under chapter 44.75 RCW. The board
22 shall examine other transportation demand management programs
23 nationally and incorporate its findings into its recommendations to the
24 legislature. The recommendations shall address the need for
25 continuation, modification, or termination or any or all requirements
26 of this chapter.

27 (7) The board shall invite personnel with appropriate expertise
28 from state, regional, and local government, private, public, and
29 nonprofit providers of transportation services, and employers or owners
30 of major worksites in Washington to act as a technical advisory group.
31 The technical advisory group shall advise the board on the
32 implementation of local and regional commute trip reduction plans and
33 programs, program evaluation, program funding allocations, and state
34 rules and guidelines.

35 **Sec. 41.** RCW 38.52.040 and 1995 c 269 s 1202 are each amended to
36 read as follows:

37 (1) There is hereby created the emergency management council

1 (hereinafter called the council), to consist of not more than seventeen
2 members who shall be appointed by the (~~governor~~) adjutant general.
3 The membership of the council shall include, but not be limited to,
4 representatives of city and county governments, sheriffs and police
5 chiefs, the Washington state patrol, the military department, the
6 department of ecology, state and local fire chiefs, seismic safety
7 experts, state and local emergency management directors, search and
8 rescue volunteers, medical professions who have expertise in emergency
9 medical care, building officials, and private industry. The
10 representatives of private industry shall include persons knowledgeable
11 in emergency and hazardous materials management. The council members
12 shall elect a chairman from within the council membership. The members
13 of the council shall serve without compensation, but may be reimbursed
14 for their travel expenses incurred in the performance of their duties
15 in accordance with RCW 43.03.050 and 43.03.060 as now existing or
16 hereafter amended.

17 (2) The emergency management council shall advise the governor and
18 the director on all matters pertaining to state and local emergency
19 management. The council may appoint such ad hoc committees,
20 subcommittees, and working groups as are required to develop specific
21 recommendations for the improvement of emergency management practices,
22 standards, policies, or procedures. The council shall ensure that the
23 governor receives an annual assessment of statewide emergency
24 preparedness including, but not limited to, specific progress on hazard
25 mitigation and reduction efforts, implementation of seismic safety
26 improvements, reduction of flood hazards, and coordination of hazardous
27 materials planning and response activities. The council or a
28 subcommittee thereof shall periodically convene in special session and
29 serve during those sessions as the state emergency response commission
30 required by P.L. 99-499, the emergency planning and community right-to-
31 know act. When sitting in session as the state emergency response
32 commission, the council shall confine its deliberations to those items
33 specified in federal statutes and state administrative rules governing
34 the coordination of hazardous materials policy. The council shall
35 review administrative rules governing state and local emergency
36 management practices and recommend necessary revisions to the director.

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

2 **Sec. 42.** RCW 70.168.020 and 2000 c 93 s 20 are each amended to
3 read as follows:

4 (1) There is hereby created an emergency medical services and
5 trauma care steering committee composed of representatives of
6 individuals knowledgeable in emergency medical services and trauma
7 care, including emergency medical providers such as physicians, nurses,
8 hospital personnel, emergency medical technicians, paramedics,
9 ambulance services, a member of the emergency medical services
10 licensing and certification advisory committee, local government
11 officials, state officials, consumers, and persons affiliated
12 professionally with health science schools. The ((governor)) secretary
13 shall appoint members of the steering committee. Members shall be
14 appointed for a period of three years. The department shall provide
15 administrative support to the committee. All appointive members of the
16 committee, in the performance of their duties, may be entitled to
17 receive travel expenses as provided in RCW 43.03.050 and 43.03.060.
18 The ((governor)) secretary may remove members from the committee who
19 have three unexcused absences from committee meetings. The
20 ((governor)) secretary shall fill any vacancies of the committee in a
21 timely manner. The terms of those members representing the same field
22 shall not expire at the same time.

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

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

28 (2) The emergency medical services and trauma care steering
29 committee shall:

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

32 (b) Review the regional emergency medical services and trauma care
33 plans and recommend changes to the department before the department
34 adopts the plans.

35 (c) Review proposed departmental rules for emergency medical
36 services and trauma care.

37 (d) Recommend modifications in rules regarding emergency medical
38 services and trauma care.

1 **Horse Racing Compact Committee**

2 **Sec. 43.** RCW 67.17.050 and 2001 c 18 s 6 are each amended to read
3 as follows:

4 (1) There is created an interstate governmental entity to be known
5 as the "compact committee" which shall be comprised of one official
6 from the racing commission or its equivalent in each party state who
7 shall be appointed, serve, and be subject to removal in accordance with
8 the laws of the party state he or she represents. Under the laws of
9 his or her party state, each official shall have the assistance of his
10 or her state's racing commission or the equivalent thereof in
11 considering issues related to licensing of participants in live racing
12 and in fulfilling his or her responsibilities as the representative
13 from his or her state to the compact committee. If an official is
14 unable to perform any duty in connection with the powers and duties of
15 the compact committee, the racing commission or equivalent thereof from
16 his or her state shall designate another of its members as an alternate
17 who shall serve in his or her place and represent the party state as
18 its official on the compact committee until that racing commission or
19 equivalent thereof determines that the original representative official
20 is able once again to perform his or her duties as that party state's
21 representative official on the compact committee. The designation of
22 an alternate shall be communicated by the affected state's racing
23 commission or equivalent thereof to the compact committee as the
24 committee's bylaws may provide.

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

30 **Motion Picture Competitiveness Program Board**

31 **Sec. 44.** RCW 43.365.030 and 2008 c 85 s 2 are each amended to read
32 as follows:

33 (1) A Washington motion picture competitiveness program under this
34 chapter shall be administered by a board of directors appointed by the
35 ((governor)) director of commerce, and the appointments shall be made

1 within sixty days following enactment. The department, after
2 consulting with the board, shall adopt rules for the standards that
3 shall be used to evaluate the applications for funding assistance prior
4 to June 30, 2006.

5 (2) The board shall evaluate and award financial assistance to
6 motion picture projects under rules set forth under RCW 43.365.020.

7 (3) The board shall consist of the following members:

8 (a) One member representing the Washington motion picture
9 production industry;

10 (b) One member representing the Washington motion picture
11 postproduction industry;

12 (c) Two members representing labor unions affiliated with
13 Washington motion picture production;

14 (d) One member representing the Washington visitors and convention
15 bureaus;

16 (e) One member representing the Washington tourism industry;

17 (f) One member representing the Washington restaurant, hotel, and
18 airline industry; and

19 (g) A chairperson, chosen at large, shall serve at the pleasure of
20 the ((governor)) director of commerce.

21 (4) The term of the board members, other than the chair, is four
22 years, except as provided in subsection (5) of this section.

23 (5) The ((governor)) director of commerce shall appoint board
24 members in 2010 to two-year or four-year staggered terms. Once the
25 initial two-year or four-year terms expire, all subsequent terms shall
26 be for four years. The terms of the initial board members shall be as
27 follows:

28 (a) The board positions in subsection (3)(b), (d), and (f) of this
29 section, and one position from subsection (3)(c) of this section shall
30 be appointed to two-year terms; and

31 (b) The remaining board positions in subsection (3) of this section
32 shall be appointed to four-year terms.

33 (6) A board member appointed by the ((governor)) director of
34 commerce may be removed by the ((governor)) director of commerce for
35 cause under RCW 43.06.070 and 43.06.080.

36 (7) Five members of the board constitute a quorum.

37 (8) The board shall elect a treasurer and secretary annually, and

1 other officers as the board members determine necessary, and may adopt
2 bylaws or rules for its own government.

3 (9) The board shall make any information available at the request
4 of the department to administer this chapter.

5 (10) Contributions received by a board shall be deposited into the
6 account described in RCW 43.365.020(2).

7 **Productivity Board**

8 **Sec. 45.** RCW 41.60.015 and 2000 c 139 s 1 are each amended to read
9 as follows:

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

14 (2) The board shall be composed of:

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

16 (b) The director of personnel appointed under the provisions of RCW
17 41.06.130 or the director's designee;

18 (c) The director of financial management or the director's
19 designee;

20 (d) The director of general administration or the director's
21 designee;

22 (e) Three persons with experience in administering incentives such
23 as those used by industry, with the ((governor,)) lieutenant governor,
24 secretary of state, and speaker of the house of representatives each
25 appointing one person. The ((governor's)) secretary of state's
26 appointee shall be a representative of an employee organization
27 certified as an exclusive representative of at least one bargaining
28 unit of classified employees; and

29 (f) Two persons representing state agencies and institutions with
30 employees subject to chapter 41.06 RCW, and one person representing
31 those subject to chapter 28B.16 RCW, both appointed by the ((governor;
32 and

33 ~~(g) In addition, the governor and board chairperson may jointly~~
34 ~~appoint persons to the board on an ad hoc basis. Ad hoc members shall~~

1 ~~serve in an advisory capacity and shall not have the right to vote))~~
2 secretary of state.

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

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

9 **Sec. 46.** RCW 43.20A.685 and 1981 c 151 s 2 are each amended to
10 read as follows:

11 ~~(1) ((The initial members of the council shall be appointed by the~~
12 ~~governor to staggered terms such that approximately one third of the~~
13 ~~members serve terms of one year, one third serve terms of two years,~~
14 ~~and one third serve terms of three years. Thereafter,))~~ Members of the
15 council shall be appointed ((by the governor)) to terms of three years,
16 except in the case of a vacancy, in which event appointment shall be
17 for the remainder of the unexpired term for which the vacancy occurs.
18 No member of the council may serve more than two consecutive three-year
19 terms. Each area agency on aging advisory council shall appoint one
20 member ((shall be appointed)) from ((each)) its state-designated
21 planning and service area ((from a list of names transmitted by each
22 area agency on aging advisory council, such list including the names of
23 all persons nominated within the planning and service area together
24 with the area agency on aging advisory council's recommendations)).
25 The governor shall appoint one additional member from names submitted
26 by the association of Washington cities and one additional member from
27 names submitted by the Washington state association of counties. In
28 addition, the governor may appoint not more than five at large members,
29 in order to ensure that rural areas (those areas outside of a standard
30 metropolitan statistical area), minority populations, and those
31 individuals with special skills which could assist the state council
32 are represented. The members of the state council on aging shall
33 elect, at the council's initial meeting and at the council's first
34 meeting each year, one member to serve as chairperson of the council
35 and another member to serve as secretary of the council.

36 (2) The speaker of the house of representatives and the president
37 of the senate shall each appoint two nonvoting members to the council;

1 one from each of the two largest caucuses in each house. The terms of
2 the members so appointed shall be for approximately two years and the
3 terms shall expire before the first day of the legislative session in
4 odd-numbered years. They shall be compensated by their respective
5 houses as provided under RCW 44.04.120, as now or hereafter amended.

6 (3) With the exception of the members from the Washington state
7 association of cities, the Washington state association of counties,
8 and the nonvoting legislative members, all members of the council shall
9 be at least fifty-five years old.

10 **Washington State Horse Park Commission**

11 **Sec. 47.** RCW 79A.30.030 and 2000 c 11 s 85 are each amended to
12 read as follows:

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

26 (2)(a) The articles of incorporation shall provide for a seven-
27 member board of directors for the authority, all appointed by the
28 (~~governor~~) commission. Board members shall serve three-year terms,
29 except that two of the original appointees shall serve one-year terms,
30 and two of the original appointees shall serve two-year terms. A board
31 member may serve consecutive terms.

32 (b) The articles of incorporation shall provide that the
33 (~~governor~~) commission appoint board members as follows:

34 (i) One board member shall represent the interests of the

1 commission(~~(. In making this appointment, the governor shall solicit~~
2 ~~recommendations from the commission)~~);

3 (ii) One board member shall represent the interests of the county
4 in which the park is located. In making this appointment, the
5 (~~governor~~) commission shall solicit recommendations from the county
6 legislative authority; and

7 (iii) Five board members shall represent the geographic and sports
8 discipline diversity of equestrian interests in the state, and at least
9 one of these members shall have business experience relevant to the
10 organization of horse shows or operation of a horse show facility. In
11 making these appointments, the (~~governor~~) commission shall solicit
12 recommendations from a variety of active horse-related organizations in
13 the state.

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

18 (4) The (~~governor~~) commission shall make appointments to fill
19 board vacancies for positions authorized under subsection (2) of this
20 section, upon additional solicitation of recommendations from the board
21 of directors.

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

25 **Achievement Gap Oversight and Accountability Committee**

26 **Sec. 48.** RCW 28A.300.136 and 2010 c 235 s 901 are each amended to
27 read as follows:

28 (1) An achievement gap oversight and accountability advisory
29 committee is created to synthesize the findings and recommendations
30 from the 2008 achievement gap studies into an implementation plan, and
31 to recommend policies and strategies to the superintendent of public
32 instruction, the professional educator standards board, and the state
33 board of education to close the achievement gap.

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

1 (a) Supporting and facilitating parent and community involvement
2 and outreach;

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

5 (c) Expanding pathways and strategies to prepare and recruit
6 diverse teachers and administrators;

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

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

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

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

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

20 (4) The achievement gap oversight and accountability advisory
21 committee shall be composed of the following members:

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

24 (b) One additional member of the house of representatives appointed
25 by the speaker of the house and one additional member of the senate
26 appointed by the president of the senate;

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

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

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

33 (f) Four members appointed by the (~~governor~~) superintendent of
34 public instruction in consultation with the state ethnic commissions,
35 who represent the following populations: African-Americans, Hispanic
36 Americans, Asian Americans, and Pacific Islander Americans.

37 (5) The (~~governor~~) superintendent of public instruction and the

1 tribes are encouraged to designate members who have experience working
2 in and with schools.

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

7 (7) The chair or cochairs of the committee shall be selected by the
8 members of the committee. Staff support for the committee shall be
9 provided by the center for the improvement of student learning.
10 Members of the committee shall serve without compensation but must be
11 reimbursed as provided in RCW 43.03.050 and 43.03.060. Legislative
12 members of the committee shall be reimbursed for travel expenses in
13 accordance with RCW 44.04.120.

14 (8) The superintendent of public instruction, the state board of
15 education, the professional educator standards board, and the quality
16 education council shall work collaboratively with the achievement gap
17 oversight and accountability advisory committee to close the
18 achievement gap.

19 **Arts Commission**

20 **Sec. 49.** RCW 43.46.015 and 1999 c 241 s 1 are each amended to read
21 as follows:

22 There is established a Washington state arts commission within the
23 department of commerce. The commission consists of nineteen members
24 appointed by the (~~governor~~) director of the department of commerce
25 and four members of the legislature, one from each caucus in the senate
26 and appointed by the president of the senate and one from each caucus
27 in the house of representatives and appointed by the speaker of the
28 house of representatives. The (~~governor~~) director of the department
29 of commerce shall appoint citizens representing the various disciplines
30 within the visual, performing and literary arts, and other citizens
31 active in the arts community. The (~~governor~~) director of the
32 department of commerce shall consider nominations for membership from
33 individuals actively involved in cultural, state or community
34 organizations. The governor shall also consider geographical
35 distribution of the membership in the appointment of new members.

1 **Sec. 50.** RCW 43.46.081 and 2007 c 128 s 2 are each amended to read
2 as follows:

3 (1) The Washington state arts commission shall establish and
4 administer the poet laureate program. The poet laureate shall engage
5 in activities to promote and encourage poetry within the state,
6 including but not limited to readings, workshops, lectures, or
7 presentations for Washington educational institutions and communities
8 in geographically diverse areas over a two-year term.

9 (2) Selection of a poet laureate shall be made by a committee
10 appointed and coordinated by the commission. The committee may include
11 representatives of the Washington state library, the education
12 community, the Washington commission for the humanities, publishing,
13 and the community of Washington poets.

14 (3) The commission and the committee shall establish criteria to be
15 used for the selection of a poet laureate. In addition to other
16 criteria established, the poet laureate must be a published poet, a
17 resident of Washington state, active in the poetry community, and
18 willing and able to promote poetry in the state of Washington
19 throughout the two-year term.

20 (4) The recommendation of the poet laureate selection committee
21 shall be forwarded to the commission, which shall appoint the poet
22 laureate (~~((with the approval of the governor))~~).

23 (5) The poet laureate shall receive compensation at a level
24 determined by the commission. Travel expenses shall be provided in
25 accordance with RCW 43.03.050 and 43.03.060.

26 (6) The poet laureate may not serve more than two consecutive
27 two-year terms.

28 (7) The commission shall fund the poet laureate program through
29 gifts, grants, or endowments from public or private sources that are
30 made from time to time, in trust or otherwise.

31 **Capitol Campus Design Advisory Committee**

32 **Sec. 51.** RCW 43.34.080 and 1990 c 93 s 1 are each amended to read
33 as follows:

34 (1) The capitol campus design advisory committee is established as
35 an advisory group to the capitol committee and the director of general

1 administration to review programs, planning, design, and landscaping of
2 state capitol facilities and grounds and to make recommendations that
3 will contribute to the attainment of architectural, aesthetic,
4 functional, and environmental excellence in design and maintenance of
5 capitol facilities on campus and located in neighboring communities.

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

9 (a) Two architects;

10 (b) A landscape architect; and

11 (c) An urban planner.

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

17 The members of the committee shall be reimbursed as provided in RCW
18 43.03.220 and 44.04.120.

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

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

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

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

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

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

1 (e) Landscaping plans and designs, including planting proposals,
2 street furniture, sculpture, monuments, and access to the capitol
3 campus and buildings.

4 **Correctional Industries Board**

5 **Sec. 52.** RCW 72.09.070 and 2004 c 167 s 1 are each amended to read
6 as follows:

7 ~~((1))~~ There is created a correctional industries ~~((board of~~
8 ~~directors))~~ advisory committee which shall have the composition
9 provided in RCW 72.09.080. The advisory committee shall make
10 recommendations to the secretary regarding the implementation of RCW
11 72.09.100.

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

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

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

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

26 ~~(d) Encourage the development of and provide for selection of,~~
27 ~~contracting for, and supervision of work programs with participating~~
28 ~~private enterprise firms;~~

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

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

34 ~~(3) The board of directors shall at least annually review the work~~

1 ~~performance of the director of correctional industries division with~~
2 ~~the secretary.~~

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

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

11 ~~Where a labor management trade advisory and apprenticeship~~
12 ~~committee has already been established by the department pursuant to~~
13 ~~RCW 72.62.050 the existing committee shall also advise the board of~~
14 ~~directors.~~

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

22 **Sec. 53.** RCW 72.09.090 and 1989 c 185 s 6 are each amended to read
23 as follows:

24 The correctional industries account is established in the state
25 treasury. The department of corrections shall deposit in the account
26 all moneys collected and all profits that accrue from the industrial
27 and agricultural operations of the department and any moneys
28 appropriated to the account. Moneys in the account may be spent only
29 for expenses arising in the correctional industries operations.

30 The division's net profits from correctional industries' sales and
31 contracts shall be reinvested, without appropriation, in the expansion
32 and improvement of correctional industries. However, the ((~~board of~~
33 ~~directors~~)) secretary shall annually recommend that some portion of the
34 profits from correctional industries be returned to the state general
35 fund.

36 The ((~~board and~~)) secretary shall request appropriations or

1 increased appropriations whenever it appears that additional money is
2 needed to provide for the establishment and operation of a
3 comprehensive correctional industries program.

4 **Sec. 54.** RCW 72.09.100 and 2005 c 346 s 1 are each amended to read
5 as follows:

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

23 (1) CLASS I: FREE VENTURE INDUSTRIES.

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

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

33 (c) The (~~correctional industries board of directors~~) department
34 shall review these proposed industries, including any potential new
35 class I industries work program or the significant expansion of an
36 existing class I industries work program, before the department
37 contracts to provide such products or services. The review shall

1 include the analysis required under RCW 72.09.115 to determine if the
2 proposed correctional industries work program will compete with any
3 Washington business. An agreement for a new class I correctional
4 industries work program, or an agreement for a significant expansion of
5 an existing class I correctional industries work program, that unfairly
6 competes with any Washington business is prohibited.

7 (d) The department (~~(of corrections)~~) shall supply appropriate
8 security and custody services without charge to the participating
9 firms.

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

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

20 (2) CLASS II: TAX REDUCTION INDUSTRIES.

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

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

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

33 (A) Public agencies;

34 (B) Nonprofit organizations;

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

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

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

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

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

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

11 (c)(i) Class II correctional industries products and services shall
12 be reviewed by the (~~correctional industries board of directors~~)
13 department before offering such products and services for sale to
14 private contractors.

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

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

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

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

1 (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

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

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

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

12 (iii) Whenever possible, to offset tax and other public support
13 costs.

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

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

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

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

29 (4) CLASS IV: COMMUNITY WORK INDUSTRIES.

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

35 (b) Class IV correctional industries shall be reviewed by the
36 (~~(correctional industries board of directors)~~) department to set policy
37 for work crews. The department shall (~~(present to the board of~~
38 ~~directors)~~) prepare quarterly detail statements showing where work

1 crews worked, what correctional industry class, and the hours worked.
2 (~~The board of directors may review any class IV program at its~~
3 ~~discretion.~~) Class IV correctional industries operated in work camps
4 established pursuant to RCW 72.64.050 are exempt from the requirements
5 of this subsection (4)(b).

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

10 (d) The department (~~of corrections~~) shall reimburse participating
11 units of local government for liability and workers compensation
12 insurance costs.

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

17 (5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

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

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

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

28 **Sec. 55.** RCW 72.09.015 and 2010 c 181 s 1 are each amended to read
29 as follows:

30 The definitions in this section apply throughout this chapter.

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

36 (2) "Base level of correctional services" means the minimum level

1 of field services the department of corrections is required by statute
2 to provide for the supervision and monitoring of offenders.

3 (3) "Community custody" has the same meaning as that provided in
4 RCW 9.94A.030 and also includes community placement and community
5 supervision as defined in RCW 9.94B.020.

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

10 (5) "Correctional facility" means a facility or institution
11 operated directly or by contract by the secretary for the purposes of
12 incarcerating adults in total or partial confinement, as defined in RCW
13 9.94A.030.

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

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

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

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

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

26 (11) "Good conduct" means compliance with department rules and
27 policies.

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

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

37 (14) "Indigent inmate," "indigent," and "indigency" mean an inmate

1 who has less than a ten-dollar balance of disposable income in his or
2 her institutional account on the day a request is made to utilize funds
3 and during the thirty days previous to the request.

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

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

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

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

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

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

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

37 (19) "Postpartum recovery" means (a) the entire period a woman or
38 youth is in the hospital, birthing center, or clinic after giving birth

1 and (b) an additional time period, if any, a treating physician
2 determines is necessary for healing after the woman or youth leaves the
3 hospital, birthing center, or clinic.

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

10 (21) "Promising practice" means a practice that presents, based on
11 preliminary information, potential for becoming a research-based or
12 consensus-based practice.

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

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

18 (a) Physical restraint; or

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

22 (24) "Secretary" means the secretary of corrections or his or her
23 designee.

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

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

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

1 correctional facility to a transport vehicle and from the vehicle to
2 the other location.

3 (28) "Unfair competition" means any net competitive advantage that
4 a business may acquire as a result of a correctional industries
5 contract, including labor costs, rent, tax advantages, utility rates
6 (water, sewer, electricity, and disposal), and other overhead costs.
7 To determine net competitive advantage, the (~~correctional industries~~
8 ~~board~~) department of corrections shall review and quantify any
9 expenses unique to operating a for-profit business inside a prison.

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

12 (30) "Washington business" means an in-state manufacturer or
13 service provider subject to chapter 82.04 RCW existing on June 10,
14 2004.

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

17 **Sec. 56.** RCW 72.62.020 and 1989 c 185 s 12 are each amended to
18 read as follows:

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

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

31 **Sec. 57.** RCW 72.09.080 and 1993 sp.s. c 20 s 4 are each amended to
32 read as follows:

33 (1) The correctional industries (~~board of directors~~) advisory
34 committee shall consist of nine voting members, appointed by the
35 (~~governor~~) secretary. Each member shall serve a three-year staggered
36 term. (~~Initially, the governor shall appoint three members to one-~~

1 ~~year terms, three members to two year terms, and three members to~~
2 ~~three year terms.))~~ The speaker of the house of representatives and
3 the president of the senate shall each appoint one member from each of
4 the two largest caucuses in their respective houses. The legislators
5 so appointed shall be nonvoting members and shall serve two-year terms,
6 or until they cease to be members of the house from which they were
7 appointed, whichever occurs first. The nine members appointed by the
8 ((~~governor~~)) secretary shall include three representatives from labor,
9 three representatives from business representing cross-sections of
10 industries and all sizes of employers, and three members from the
11 general public.

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

15 (3) The voting members of the ((~~board of directors~~)) committee
16 shall serve with compensation pursuant to RCW 43.03.240 and shall be
17 reimbursed by the department for travel expenses and per diem under RCW
18 43.03.050 and 43.03.060, as now or hereafter amended. Legislative
19 members shall be reimbursed under RCW 44.04.120, as now or hereafter
20 amended.

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

23 **Hanford Area Economic Investment Fund Committee**

24 **Sec. 58.** RCW 43.31.425 and 1998 c 76 s 2 are each amended to read
25 as follows:

26 The Hanford area economic investment fund advisory committee is
27 hereby established to advise the director of the department of
28 commerce.

29 (1) The committee shall have eleven members. The ((~~governor~~))
30 director of the department of commerce shall appoint the members, in
31 consultation with Hanford area elected officials, subject to the
32 following requirements:

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

1 (b) The committee shall have a balanced membership representing one
2 member each from the elected leadership of Benton county, Franklin
3 county, the city of Richland, the city of Kennewick, the city of Pasco,
4 a Hanford area port district, the labor community, and four members
5 from the Hanford area business and financial community.

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

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

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

22 (4) The members shall serve without compensation, but are entitled
23 to reimbursement for actual and necessary expenses incurred in the
24 performance of official duties in accordance with RCW 43.03.050 and
25 43.03.060.

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

32 **Sec. 59.** RCW 43.31.422 and 2004 c 77 s 1 are each amended to read
33 as follows:

34 The Hanford area economic investment fund is established in the
35 custody of the state treasurer. Moneys in the fund shall only be used
36 for reasonable assistant attorney general costs in support of the
37 committee or pursuant to the decisions of the committee created in RCW

1 43.31.425 for Hanford area revolving loan funds, Hanford area
2 infrastructure projects, or other Hanford area economic development and
3 diversification projects, but may not be used for government or
4 nonprofit organization operating expenses. Up to five percent of
5 moneys in the fund may be used for program administration. For the
6 purpose of this chapter "Hanford area" means Benton and Franklin
7 counties. The director of (~~community, trade, and economic~~
8 ~~development~~) commerce or the director's designee shall authorize
9 disbursements from the fund (~~after an affirmative vote of at least six~~
10 ~~members~~) with the advice of the committee created in RCW 43.31.425
11 (~~on any decisions reached by the committee created in RCW 43.31.425~~).
12 The fund is subject to the allotment procedures under chapter 43.88
13 RCW, but no appropriation is required for disbursements. The
14 legislature intends to establish similar economic investment funds for
15 areas that develop low-level radioactive waste disposal facilities.

16 **Home Inspector Advisory Licensing Board**

17 **Sec. 60.** RCW 18.280.040 and 2008 c 119 s 4 are each amended to
18 read as follows:

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

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

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

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

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

5 (3) Members of the board are appointed for three-year terms. Terms
6 must be staggered so that not more than two appointments are scheduled
7 to be made in any calendar year. Members hold office until the
8 expiration of the terms for which they were appointed. The
9 ((governor)) director may remove a board member for just cause. The
10 ((governor)) director may appoint a new member to fill a vacancy on the
11 board for the remainder of the unexpired term. All board members are
12 limited to two consecutive terms.

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

16 **Real Estate Appraiser Commission**

17 **Sec. 61.** RCW 18.140.230 and 2005 c 339 s 19 are each amended to
18 read as follows:

19 There is established the real estate appraiser ((commission))
20 advisory committee of the state of Washington, consisting of seven
21 members who shall act to give advice to the director.

22 (1) The seven ((commission)) advisory committee members shall be
23 appointed by the ((governor)) director in the following manner: For a
24 term of six years each, with the exception of the first appointees who
25 shall be the incumbent members of the predecessor real estate appraiser
26 advisory committee to serve for the duration of their current terms,
27 with all other subsequent appointees to be appointed for a six-year
28 term.

29 (2) At least two of the ((commission)) committee members shall be
30 selected from the area of the state east of the Cascade mountain range
31 and at least two of the ((commission)) committee members shall be
32 selected from the area of the state west of the Cascade mountain range.
33 At least two members of the ((commission)) committee shall be certified
34 general real estate appraisers, at least two members of the
35 ((commission)) committee shall be certified residential real estate

1 appraisers, and at least one member of the (~~commission~~) committee may
2 be a licensed real estate appraiser, all pursuant to this chapter. No
3 certified or licensed appraiser (~~commission~~) committee member shall
4 be appointed who has not been certified and/or licensed pursuant to
5 this chapter for less than ten years, except that this experience
6 duration shall be not less than five years only for any (~~commission~~)
7 committee member taking office before January 1, 2003. One member
8 shall be an employee of a financial institution as defined in this
9 chapter whose duties are concerned with real estate appraisal
10 management and policy. One member shall be an individual engaged in
11 mass appraisal whose duties are concerned with ad valorem appraisal
12 management and policy and who is licensed or certified under this
13 chapter. One member may be a member of the general public.

14 (3) The members of the (~~commission~~) advisory committee annually
15 shall elect their chairperson and vice chairperson to serve for a term
16 of one calendar year. A majority of the members of (~~said commission~~)
17 the advisory committee shall at all times constitute a quorum.

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

20 **Sec. 62.** RCW 18.140.010 and 2005 c 339 s 2 are each amended to
21 read as follows:

22 The definitions in this section apply throughout this chapter
23 unless the context clearly requires otherwise.

24 (1) "Advisory committee" means the real estate appraiser advisory
25 committee created in RCW 18.140.230.

26 (2) "Appraisal" means the act or process of estimating value; an
27 estimate of value; or of or pertaining to appraising and related
28 functions.

29 (~~(+2)~~) (3) "Appraisal report" means any communication, written or
30 oral, of an appraisal, review, or consulting service in accordance with
31 the standards of professional conduct or practice, adopted by the
32 director, that is transmitted to the client upon completion of an
33 assignment.

34 (~~(+3)~~) (4) "Appraisal assignment" means an engagement for which an
35 appraiser is employed or retained to act, or would be perceived by
36 third parties or the public as acting, as a disinterested third party
37 in rendering an unbiased analysis, opinion, or conclusion relating to

1 the value of specified interests in, or aspects of, identified real
2 estate. The term "appraisal assignment" may apply to valuation work
3 and analysis work.

4 ~~((+4))~~ (5) "Brokers price opinion" means an oral or written report
5 of property value that is prepared by a real estate broker or
6 salesperson licensed under chapter 18.85 RCW.

7 ~~((+5))~~ (6) "Client" means any party for whom an appraiser performs
8 a service.

9 ~~((+6) "Commission" means the real estate appraiser commission of
10 the state of Washington.))~~

11 (7) "Comparative market analysis" means a brokers price opinion.

12 (8) "Department" means the department of licensing.

13 (9) "Director" means the director of the department of licensing.

14 (10) "Expert review appraiser" means a state-certified or state-
15 licensed real estate appraiser chosen by the director for the purpose
16 of providing appraisal review assistance to the director.

17 (11) "Federal department" means an executive department of the
18 United States of America specifically concerned with housing finance
19 issues, such as the department of housing and urban development, the
20 department of veterans affairs, or their legal federal successors.

21 (12) "Federal financial institutions regulatory agency" means the
22 board of governors of the federal reserve system, the federal deposit
23 insurance corporation, the office of the comptroller of the currency,
24 the office of thrift supervision, the national credit union
25 administration, their successors and/or such other agencies as may be
26 named in future amendments to 12 U.S.C. Sec. 3350(6).

27 (13) "Federal secondary mortgage marketing agency" means the
28 federal national mortgage association, the government national mortgage
29 association, the federal home loan mortgage corporation, their
30 successors and/or such other similarly functioning housing finance
31 agencies as may be federally chartered in the future.

32 (14) "Federally related transaction" means any real estate-related
33 financial transaction that the federal financial institutions
34 regulatory agency or the resolution trust corporation engages in,
35 contracts for, or regulates; and that requires the services of an
36 appraiser.

37 (15) "Financial institution" means any person doing business under
38 the laws of this state or the United States relating to banks, bank

1 holding companies, savings banks, trust companies, savings and loan
2 associations, credit unions, consumer loan companies, and the
3 affiliates, subsidiaries, and service corporations thereof.

4 (16) "Mortgage broker" for the purpose of this chapter means a
5 mortgage broker licensed under chapter 19.146 RCW, any mortgage broker
6 approved and subject to audit by the federal national mortgage
7 association, the government national mortgage association, or the
8 federal home loan mortgage corporation as provided in RCW 19.146.020,
9 any mortgage broker approved by the United States secretary of housing
10 and urban development for participation in any mortgage insurance under
11 the national housing act, 12 U.S.C. Sec. 1201, and the affiliates,
12 subsidiaries, and service corporations thereof.

13 (17) "Real estate" means an identified parcel or tract of land,
14 including improvements, if any.

15 (18) "Real estate-related financial transaction" means any
16 transaction involving:

17 (a) The sale, lease, purchase, investment in, or exchange of real
18 property, including interests in property, or the financing thereof;

19 (b) The refinancing of real property or interests in real property;
20 and

21 (c) The use of real property or interests in property as security
22 for a loan or investment, including mortgage-backed securities.

23 (19) "Real property" means one or more defined interests, benefits,
24 or rights inherent in the ownership of real estate.

25 (20) "Review" means the act or process of critically studying an
26 appraisal report prepared by another.

27 (21) "Specialized appraisal services" means all appraisal services
28 that do not fall within the definition of appraisal assignment. The
29 term "specialized appraisal service" may apply to valuation work and to
30 analysis work. Regardless of the intention of the client or employer,
31 if the appraiser would be perceived by third parties or the public as
32 acting as a disinterested third party in rendering an unbiased
33 analysis, opinion, or conclusion, the work is classified as an
34 appraisal assignment and not a specialized appraisal service.

35 (22) "State-certified general real estate appraiser" means a person
36 certified by the director to develop and communicate real estate
37 appraisals of all types of property. A state-certified general real

1 estate appraiser may designate or identify an appraisal rendered by him
2 or her as a "certified appraisal."

3 (23) "State-certified residential real estate appraiser" means a
4 person certified by the director to develop and communicate real estate
5 appraisals of all types of residential property of one to four units
6 without regard to transaction value or complexity and nonresidential
7 property having a transaction value as specified in rules adopted by
8 the director. A state certified residential real estate appraiser may
9 designate or identify an appraisal rendered by him or her as a
10 "certified appraisal."

11 (24) "State-licensed real estate appraiser" means a person licensed
12 by the director to develop and communicate real estate appraisals of
13 noncomplex one to four residential units and complex one to four
14 residential units and nonresidential property having transaction values
15 as specified in rules adopted by the director.

16 (25) "State-registered appraiser trainee," "trainee," or "trainee
17 real estate appraiser" means a person registered by the director under
18 RCW 18.140.280 to develop and communicate real estate appraisals under
19 the immediate and personal direction of a state-certified real estate
20 appraiser. Appraisals are limited to those types of properties that
21 the supervisory appraiser is permitted by their current credential, and
22 that the supervisory appraiser is competent and qualified to appraise.
23 By signing the appraisal report, or being identified in the
24 certification or addenda as having lent significant professional
25 assistance, the state-registered appraiser trainee accepts total and
26 complete individual responsibility for all content, analyses, and
27 conclusions in the report.

28 (26) "Supervisory appraiser" means a person holding a currently
29 valid certificate issued by the director as a state-certified real
30 estate appraiser providing direct supervision to another state-
31 certified, state-licensed, or state-registered appraiser trainee. The
32 supervisory appraiser must be in good standing in each jurisdiction
33 that he or she is credentialed. The supervisory appraiser must sign
34 all appraisal reports. By signing the appraisal report, the
35 supervisory appraiser accepts full responsibility for all content,
36 analyses, and conclusions in the report.

1 **Sec. 63.** RCW 18.140.240 and 2000 c 249 s 4 are each amended to
2 read as follows:

3 The members of the real estate appraiser (~~commission~~) advisory
4 committee and its individual members shall have the following duties
5 and responsibilities:

6 (1) To meet at the call of the director or upon its own initiative
7 at the call of its chair or a majority of its members;

8 (2) To adopt a mission statement, and to serve as a liaison between
9 appraisal practitioners, the public, and the department; and

10 (3) To study and recommend changes to this chapter to the director
11 or to the legislature.

12 **Sentencing Guidelines Commission**

13 **Sec. 64.** RCW 9.94A.860 and 2001 2nd sp.s. c 12 s 311 are each
14 amended to read as follows:

15 (1) The commission consists of twenty voting members, one of whom
16 the (~~governor~~) secretary of the department shall designate as
17 chairperson. With the exception of ex officio voting members, the
18 voting members of the commission shall be appointed by the (~~governor,~~
19 ~~subject to confirmation by the senate~~) secretary of the department.

20 (2) The voting membership consists of the following:

21 (a) The head of the state agency having general responsibility for
22 adult correction programs, as an ex officio member;

23 (b) The director of financial management or designee, as an ex
24 officio member;

25 (c) The chair of the indeterminate sentence review board, as an ex
26 officio member;

27 (d) The head of the state agency, or the agency head's designee,
28 having responsibility for juvenile corrections programs, as an ex
29 officio member;

30 (e) Two prosecuting attorneys;

31 (f) Two attorneys with particular expertise in defense work;

32 (g) Four persons who are superior court judges;

33 (h) One person who is the chief law enforcement officer of a county
34 or city;

1 (i) Four members of the public who are not prosecutors, defense
2 attorneys, judges, or law enforcement officers, one of whom is a victim
3 of crime or a crime victims' advocate;

4 (j) One person who is an elected official of a county government,
5 other than a prosecuting attorney or sheriff;

6 (k) One person who is an elected official of a city government;

7 (l) One person who is an administrator of juvenile court services.

8 In making the appointments, the (~~governor~~) secretary of the
9 department shall endeavor to assure that the commission membership
10 includes adequate representation and expertise relating to both the
11 adult criminal justice system and the juvenile justice system. In
12 making the appointments, the (~~governor~~) secretary of the department
13 shall seek the recommendations of Washington prosecutors in respect to
14 the prosecuting attorney members, of the Washington state bar
15 association in respect to the defense attorney members, of the
16 association of superior court judges in respect to the members who are
17 judges, of the Washington association of sheriffs and police chiefs in
18 respect to the member who is a law enforcement officer, of the
19 Washington state association of counties in respect to the member who
20 is a county official, of the association of Washington cities in
21 respect to the member who is a city official, of the office of crime
22 victims advocacy and other organizations of crime victims in respect to
23 the member who is a victim of crime or a crime victims' advocate, and
24 of the Washington association of juvenile court administrators in
25 respect to the member who is an administrator of juvenile court
26 services.

27 (3)(a) All voting members of the commission, except ex officio
28 voting members, shall serve terms of three years and until their
29 successors are appointed and confirmed.

30 (b) The (~~governor~~) secretary of the department shall stagger the
31 terms of the members appointed under subsection (2)(j), (k), and (l) of
32 this section by appointing one of them for a term of one year, one for
33 a term of two years, and one for a term of three years.

34 (4) The speaker of the house of representatives and the president
35 of the senate may each appoint two nonvoting members to the commission,
36 one from each of the two largest caucuses in each house. The members
37 so appointed shall serve two-year terms, or until they cease to be

1 members of the house from which they were appointed, whichever occurs
2 first.

3 (5) The members of the commission shall be reimbursed for travel
4 expenses as provided in RCW 43.03.050 and 43.03.060. Legislative
5 members shall be reimbursed by their respective houses as provided
6 under RCW 44.04.120. Members shall be compensated in accordance with
7 RCW 43.03.250.

8 **Escrow Commission**

9 **Sec. 65.** RCW 18.44.011 and 2010 c 34 s 1 are each reenacted and
10 amended to read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

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

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

20 ((+2)) (3) "Department" means the department of financial
21 institutions.

22 ((+3)) (4) "Designated escrow officer" means any licensed escrow
23 officer designated by a licensed escrow agent and approved by the
24 director as the licensed escrow officer responsible for supervising
25 that agent's handling of escrow transactions, management of the agent's
26 trust account, and supervision of all other licensed escrow officers
27 employed by the agent.

28 ((+4)) (5) "Director" means the director of financial
29 institutions, or his or her duly authorized representative.

30 ((+5)) (6) "Director of licensing" means the director of the
31 department of licensing, or his or her duly authorized representative.

32 ((+6)) (7) "Escrow" means any transaction, except the acts of a
33 qualified intermediary in facilitating an exchange under section 1031
34 of the internal revenue code, wherein any person or persons, for the
35 purpose of effecting and closing the sale, purchase, exchange,

1 transfer, encumbrance, or lease of real or personal property to another
2 person or persons, delivers any written instrument, money, evidence of
3 title to real or personal property, or other thing of value to a third
4 person to be held by such third person until the happening of a
5 specified event or the performance of a prescribed condition or
6 conditions, when it is then to be delivered by such third person, in
7 compliance with instructions under which he or she is to act, to a
8 grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor,
9 bailee, bailor, or any agent or employee thereof.

10 ~~((+7))~~ (8) "Escrow agent" means any person engaged in the business
11 of performing for compensation the duties of the third person referred
12 to in subsection ~~((+6))~~ (7) of this section.

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

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

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

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

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

25 **Sec. 66.** RCW 18.44.221 and 1999 c 30 s 31 are each amended to read
26 as follows:

27 The director shall, within thirty days after ~~((the))~~ a written
28 request ~~((of the escrow commission))~~, hold a public hearing to
29 determine whether the fidelity bond, surety bond, and/or the errors and
30 omissions policy specified in RCW 18.44.201 is reasonably available to
31 a substantial number of licensed escrow agents. If the director
32 determines and the insurance commissioner concurs that such bond or
33 bonds and/or policy is not reasonably available, the director shall
34 waive the requirements for such bond or bonds and/or policy for a fixed
35 period of time.

1 **Sec. 67.** RCW 18.44.251 and 1995 c 238 s 5 are each amended to read
2 as follows:

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

6 REQUEST FOR WAIVER OF
7 ERRORS AND OMISSIONS POLICY

8 I,, residing at, City of, County
9 of, State of Washington, declare the following:

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

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

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

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

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

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

30 THEREFORE, in consideration of the above, I,
31, respectfully request that the director of financial
32 institutions grant this request for a waiver of the
33 requirement that I purchase and maintain an errors and
34 omissions policy covering my activities as an escrow agent
35 licensed by the state of Washington for the period from
36, 19 ..., to, 19 ...
37 Submitted this day of day of, 19 ...

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.....

(signature)

State of Washington,

}

ss.

County of

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

Dated

Signature of

Notary Public

(Seal or stamp)

Title

My appointment expires

15 **Sec. 68.** RCW 18.44.195 and 2010 c 34 s 9 are each amended to read
16 as follows:

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

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

21 **Sec. 69.** RCW 18.44.510 and 1984 c 287 s 37 are each amended to
22 read as follows:

23 The ((~~escrow commission~~)) committee members shall each be
24 compensated in accordance with RCW 43.03.240 and shall be reimbursed
25 for travel expenses as provided for state officials and employees in
26 RCW 43.03.050 and 43.03.060, when called into session by the director
27 or when otherwise engaged in the business of the ((~~commission~~))
28 committee.

29 **Sec. 70.** RCW 18.44.500 and 1995 c 238 s 3 are each amended to read
30 as follows:

31 There is established ((~~an escrow commission~~)) a committee of the
32 state of Washington, to consist of the director of financial
33 institutions or his or her designee as ((~~chairman~~)) chair, and five
34 other members who shall act as advisors to the director as to the needs

1 of the escrow profession, including but not limited to the design and
2 conduct of tests to be administered to applicants for escrow licenses,
3 the schedule of license fees to be applied to the escrow licensees,
4 educational programs, audits and investigations of the escrow
5 profession designed to protect the consumer, and such other matters
6 determined appropriate. The director is hereby empowered to and shall
7 appoint the other members, each of whom shall have been a resident of
8 this state for at least five years and shall have at least five years
9 experience in the practice of escrow as an escrow agent or as a person
10 in responsible charge of escrow transactions.

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

23 The director may remove any member of the ((~~commission~~) committee
24 for cause. Vacancies in the ((~~commission~~) committee for any reason
25 shall be filled by appointment for the unexpired term.

26 Members shall be compensated in accordance with RCW 43.03.240, and
27 shall be reimbursed for their travel expenses incurred in carrying out
28 the provisions of this chapter in accordance with RCW 43.03.050 and
29 43.03.060.

30 **Fairs Commission**

31 **Sec. 71.** RCW 15.76.170 and 2010 c 8 s 6100 are each amended to
32 read as follows:

33 There is hereby created a fairs ((~~commission~~) advisory committee
34 to consist of the director of agriculture as ex officio member and
35 chair, and seven members appointed by the director to be persons who

1 are interested in fair activities; at least three of whom shall be from
2 the east side of the Cascades and three from the west side of the
3 Cascades and one member at large. ~~((The first appointment shall be
4 Three for a one year term, two for a two year term, and two for a three
5 year term, and thereafter the appointments shall be for three year
6 terms.))~~

7 Appointed members of the ~~((commission))~~ committee shall be
8 compensated in accordance with RCW 43.03.240 and shall be reimbursed
9 for travel expenses, in accordance with RCW 43.03.050 and 43.03.060
10 payable on proper vouchers submitted to and approved by the director,
11 and payable from that portion of the state fair fund set aside for
12 administrative costs under this chapter. The ~~((commission))~~ committee
13 shall meet at the call of the chair, but at least annually. It shall
14 be the duty of the commission to act as an advisory committee to the
15 director~~(, to assist in the preparation of the merit rating used in
16 determining allocations to be made to fairs, and to perform such other
17 duties as may be required by the director from time to time))~~.

18 **Sec. 72.** RCW 15.76.110 and 1961 c 61 s 2 are each amended to read
19 as follows:

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

22 (1) "Director" ~~((shall))~~ means the director of agriculture.
23 ~~(("Commission" shall mean the fairs commission created by this
24 chapter.))~~

25 (2) "State allocations" ~~((shall))~~ means allocations from the state
26 fair fund.

27 **Sec. 73.** RCW 15.76.110 and 1961 c 61 s 2 are each amended to read
28 as follows:

29 "Director" ~~((shall))~~ means the director of agriculture.
30 ~~(("Commission" shall))~~ "Committee" means the fairs ~~((commission))~~
31 advisory committee created by this chapter. "State allocations"
32 ~~((shall))~~ means allocations from the state fair fund.

33 **Livestock Identification Advisory Board**

1 **Sec. 74.** RCW 16.57.015 and 2003 c 326 s 3 are each amended to read
2 as follows:

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

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

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

36 **Sec. 75.** RCW 16.57.353 and 2004 c 233 s 1 are each amended to read
37 as follows:

1 (1) The director may adopt rules:

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

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

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

15 **PART II - OTHER PROVISIONS**

16 **Sec. 76.** RCW 43.03.220 and 2010 1st sp.s. c 7 s 142 are each
17 amended to read as follows:

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

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

27 (3) (~~Beginning July 1, 2010, through June 30, 2011,~~) (a) No
28 person designated as a member of a class one board, commission,
29 council, committee, or similar group may receive an allowance for
30 subsistence, lodging, or travel expenses if the allowance cost is
31 funded by the state general fund. Exceptions may be granted under
32 section (~~605, chapter 3, Laws of 2010~~) 86 of this act. Class one
33 groups, when feasible, shall use an alternative means of conducting a
34 meeting that does not require travel while still maximizing member and
35 public participation and may use a meeting format that requires members

1 to be physically present at one location only when necessary or
2 required by law. Meetings that require a member's physical presence at
3 one location must be held in state facilities whenever possible, and
4 meetings conducted using private facilities must be approved by the
5 director of the office of financial management.

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

11 **Sec. 77.** RCW 43.03.230 and 2010 1st sp.s. c 7 s 143 are each
12 amended to read as follows:

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

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

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

30 (4) ~~((Beginning July 1, 2010, through June 30, 2011,))~~ No person
31 designated as a member of a class two board, commission, council,
32 committee, or similar group may receive an allowance for subsistence,
33 lodging, or travel expenses if the allowance cost is funded by the
34 state general fund. Exceptions may be granted under section ~~((605,~~
35 ~~chapter 3, Laws of 2010))~~ 86 of this act. Class two groups, when
36 feasible, shall use an alternative means of conducting a meeting that
37 does not require travel while still maximizing member and public

1 participation and may use a meeting format that requires members to be
2 physically present at one location only when necessary or required by
3 law. Meetings that require a member's physical presence at one
4 location must be held in state facilities whenever possible, and
5 meetings conducted using private facilities must be approved by the
6 director of the office of financial management.

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

12 **Sec. 78.** RCW 43.03.240 and 2010 1st sp.s. c 7 s 144 are each
13 amended to read as follows:

14 (1) Any part-time, statutory board, commission, council, committee,
15 or other similar group which has rule-making authority, performs quasi
16 judicial functions, has responsibility for the administration or policy
17 direction of a state agency or program, or performs regulatory or
18 licensing functions with respect to a specific profession, occupation,
19 business, or industry shall be identified as a class three group for
20 purposes of compensation.

21 (2) Except as otherwise provided in this section, each member of a
22 class three group is eligible to receive compensation in an amount not
23 to exceed fifty dollars for each day during which the member attends an
24 official meeting of the group or performs statutorily prescribed duties
25 approved by the chairperson of the group. A person shall not receive
26 compensation for a day of service under this section if the person (a)
27 occupies a position, normally regarded as full-time in nature, in any
28 agency of the federal government, Washington state government, or
29 Washington state local government; and (b) receives any compensation
30 from such government for working that day.

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

35 (4) (~~Beginning July 1, 2010, through June 30, 2011,~~) No person
36 designated as a member of a class three board, commission, council,
37 committee, or similar group may receive an allowance for subsistence,

1 lodging, or travel expenses if the allowance cost is funded by the
2 state general fund. Exceptions may be granted under section ((605,
3 ~~chapter 3, Laws of 2010~~) 86 of this act). Class three groups, when
4 feasible, shall use an alternative means of conducting a meeting that
5 does not require travel while still maximizing member and public
6 participation and may use a meeting format that requires members to be
7 physically present at one location only when necessary or required by
8 law. Meetings that require a member's physical presence at one
9 location must be held in state facilities whenever possible, and
10 meetings conducted using private facilities must be approved by the
11 director of the office of financial management.

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

17 **Sec. 79.** RCW 43.03.250 and 2010 1st sp.s. c 7 s 145 are each
18 amended to read as follows:

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

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

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

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

31 (2) Each member of a class four group is eligible to receive
32 compensation in an amount not to exceed one hundred dollars for each
33 day during which the member attends an official meeting of the group or
34 performs statutorily prescribed duties approved by the chairperson of
35 the group. A person shall not receive compensation for a day of
36 service under this section if the person (a) occupies a position,
37 normally regarded as full-time in nature, in any agency of the federal

1 government, Washington state government, or Washington state local
2 government; and (b) receives any compensation from such government for
3 working that day.

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

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

17 **Sec. 80.** RCW 43.03.265 and 2010 1st sp.s. c 7 s 146 are each
18 amended to read as follows:

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

25 (2) Except as otherwise provided in this section, each member of a
26 class five group is eligible to receive compensation in an amount not
27 to exceed two hundred fifty dollars for each day during which the
28 member attends an official meeting of the group or performs statutorily
29 prescribed duties approved by the chairperson of the group. A person
30 shall not receive compensation for a day of service under this section
31 if the person (a) occupies a position, normally regarded as full-time
32 in nature, in any agency of the federal government, Washington state
33 government, or Washington state local government; and (b) receives any
34 compensation from such government for working that day.

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

1 (4) (~~Beginning July 1, 2010, through June 30, 2011,~~) No person
2 designated as a member of a class five board, commission, council,
3 committee, or similar group may receive an allowance for subsistence,
4 lodging, or travel expenses if the allowance cost is funded by the
5 state general fund. Exceptions may be granted under section (~~605,~~
6 ~~chapter 3, Laws of 2010~~) 86 of this act. Class five groups, when
7 feasible, shall use an alternative means of conducting a meeting that
8 does not require travel while still maximizing member and public
9 participation and may use a meeting format that requires members to be
10 physically present at one location only when necessary or required by
11 law. Meetings that require a member's physical presence at one
12 location must be held in state facilities whenever possible, and
13 meetings conducted using private facilities must be approved by the
14 director of the office of financial management.

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

20 NEW SECTION. Sec. 81. A new section is added to chapter 39.29 RCW
21 to read as follows:

22 Except under a specific statute to the contrary, agencies are
23 prohibited from entering into personal service contracts with members
24 of any agency board, commission, council, committee, or other similar
25 group formed to advise the activities and management of state
26 government for services related to work done as a member of the agency
27 board, commission, council, committee, or other similar group.

28 NEW SECTION. Sec. 82. A new section is added to chapter 28A.300
29 RCW to read as follows:

30 In addition to any board, commission, council, committee, or other
31 similar group established by statute or executive order, the
32 superintendent of public instruction may appoint advisory groups on
33 subject matters within the superintendent's responsibilities or as may
34 be required by any federal legislation as a condition to the receipt of
35 federal funds by the federal department. The advisory groups shall be

1 constituted as required by federal law or as the superintendent may
2 determine.

3 Members of advisory groups under the authority of the
4 superintendent may be paid their travel expenses in accordance with RCW
5 43.03.050 and 43.03.060.

6 Except as provided in this section, members of advisory groups
7 under the authority of the superintendent are volunteering their
8 services and are not eligible for compensation. A person is eligible
9 to receive compensation in an amount not to exceed one hundred dollars
10 for each day during which the member attends an official meeting of the
11 group or performs statutorily prescribed duties approved by the
12 chairperson of the group if the person (1) occupies a position,
13 normally regarded as full-time in nature, as a certificated employee of
14 a local school district; (2) is participating as part of their
15 employment with the local school district; and (3) the meeting or
16 duties are performed outside the period in which school days as defined
17 by RCW 28A.150.030 are conducted. The superintendent may reimburse
18 local school districts for substitute certificated employees to enable
19 members to meet or perform duties on school days. A person is eligible
20 to receive compensation from federal funds in an amount to be
21 determined by personal service contract for groups required by federal
22 law.

23 **Sec. 83.** RCW 28A.290.010 and 2010 c 236 s 15 and 2010 c 234 s 4
24 are each reenacted and amended to read as follows:

25 (1) The quality education council is created to recommend and
26 inform the ongoing implementation by the legislature of an evolving
27 program of basic education and the financing necessary to support such
28 program. The council shall develop strategic recommendations on the
29 program of basic education for the common schools. The council shall
30 take into consideration the capacity report produced under RCW
31 28A.300.172 and the availability of data and progress of implementing
32 the data systems required under RCW 28A.655.210. Any recommendations
33 for modifications to the program of basic education shall be based on
34 evidence that the programs effectively support student learning. The
35 council shall update the statewide strategic recommendations every four
36 years. The recommendations of the council are intended to:

1 (a) Inform future educational policy and funding decisions of the
2 legislature and governor;

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

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

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

15 (3) The chair of the council shall be selected from the
16 councilmembers. The council shall be composed of the following
17 members:

18 (a) Four members of the house of representatives, with two members
19 representing each of the major caucuses and appointed by the speaker of
20 the house of representatives;

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

23 (c) One representative each from the office of the governor, office
24 of the superintendent of public instruction, state board of education,
25 professional educator standards board, and department of early
26 learning; and

27 (d) One nonlegislative representative from the achievement gap
28 oversight and accountability advisory committee established under RCW
29 28A.300.136, to be selected by the members of the committee.

30 ~~(4) ((In the 2009 fiscal year, the council shall meet as often as
31 necessary as determined by the chair. In subsequent years, the council
32 shall meet no more than four times a year.~~

33 ~~(5))~~(a) The council shall submit an initial report to the governor
34 and the legislature by January 1, 2010, detailing its recommendations,
35 including recommendations for resolving issues or decisions requiring
36 legislative action during the 2010 legislative session, and
37 recommendations for any funding necessary to continue development and
38 implementation of chapter 548, Laws of 2009.

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

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

4 (ii) Recommendations for a program of early learning for at-risk
5 children;

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

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

16 ~~((+6))~~ (5) The council shall submit a report to the legislature by
17 January 1, 2012, detailing its recommendations for a comprehensive plan
18 for a voluntary program of early learning. Before submitting the
19 report, the council shall seek input from the early learning advisory
20 council created in RCW 43.215.090.

21 ~~((+7))~~ (6) The council shall submit a report to the governor and
22 the legislature by December 1, 2010, that includes:

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

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

32 ~~((+8))~~ (7) The council shall be staffed by the office of the
33 superintendent of public instruction and the office of financial
34 management. Additional staff support shall be provided by the state
35 entities with representatives on the council. Senate committee
36 services and the house of representatives office of program research
37 may provide additional staff support.

1 ~~((+9))~~ (8) Legislative members of the council shall serve without
2 additional compensation but may be reimbursed for travel expenses in
3 accordance with RCW 44.04.120 while attending sessions of the council
4 or on official business authorized by the council. Nonlegislative
5 members of the council may be reimbursed for travel expenses in
6 accordance with RCW 43.03.050 and 43.03.060.

7 **Sec. 84.** RCW 43.03.050 and 2010 1st sp.s. c 7 s 141 are each
8 amended to read as follows:

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

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

30 (3) The director of financial management may prescribe reasonable
31 allowances to cover reasonable expenses for meals, coffee, and light
32 refreshment served to elective and appointive officials and state
33 employees regardless of travel status at a meeting where: (a) The
34 purpose of the meeting is to conduct official state business or to
35 provide formal training to state employees or state officials; (b) the
36 meals, coffee, or light refreshment are an integral part of the meeting
37 or training session; (c) the meeting or training session takes place

1 away from the employee's or official's regular workplace; and (d) the
2 agency head or authorized designee approves payments in advance for the
3 meals, coffee, or light refreshment. In order to prevent abuse, the
4 director may regulate such allowances and prescribe additional
5 conditions for claiming the allowances.

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

13 (5) The schedule of allowances prescribed by the director under the
14 terms of this section and any subsequent increases in any maximum
15 allowance or special allowances for areas of higher than usual costs
16 shall be reported to the ways and means committees of the house of
17 representatives and the senate at each regular session of the
18 legislature.

19 (6) (~~Beginning July 1, 2010, through June 30, 2011,~~) No person
20 designated as a member of a class one through class three or class five
21 board, commission, council, committee, or similar group may receive an
22 allowance for subsistence, lodging, or travel expenses if the allowance
23 cost is funded by the state general fund. Exceptions may be granted
24 under section (~~605, chapter 3, Laws of 2010~~) 86 of this act.

25 **Sec. 85.** RCW 43.03.060 and 1990 c 30 s 2 are each amended to read
26 as follows:

27 (1) Whenever it becomes necessary for elective or appointive
28 officials or employees of the state to travel away from their
29 designated posts of duty while engaged on official business, and it is
30 found to be more advantageous or economical to the state that travel be
31 by a privately-owned vehicle rather than a common carrier or a state-
32 owned or operated vehicle, a mileage rate established by the director
33 of financial management shall be allowed. The mileage rate established
34 by the director shall not exceed any rate set by the United States
35 treasury department above which the substantiation requirements
36 specified in Treasury Department Regulations section 1.274-5T(a)(1), as
37 now law or hereafter amended, will apply.

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

9 (3) The mileage rate established by the director of financial
10 management pursuant to this section and any subsequent changes thereto
11 shall be reported to the ways and means committees of the house of
12 representatives and the senate at each regular session of the
13 legislature.

14 (4) No person designated as a member of a class one through class
15 three or class five board, commission, council, committee, or similar
16 group may receive an allowance for subsistence, lodging, or travel
17 expenses if the allowance cost is funded by the state general fund.
18 Exceptions may be granted under section 86 of this act.

19 NEW SECTION. Sec. 86. A new section is added to chapter 43.03 RCW
20 to read as follows:

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

1 **Effective/Expiration Dates**

2 NEW SECTION. **Sec. 87.** Except for sections 81 and 82 of this act,
3 this act is necessary for the immediate preservation of the public
4 peace, health, or safety, or support of the state government and its
5 existing public institutions, and takes effect July 1, 2011.

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