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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1371

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State of Washington                      62nd Legislature                      2011 1st Special Session

By House Ways & Means (originally sponsored by Representatives Darneille and Hunt; by request of Governor Gregoire)

READ FIRST TIME 04/20/11.

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 77.12.850, 18.106.110, 49.04.010, 36.93.051, 15.92.090, 43.160.030,  
6 70.94.537, 38.52.040, 70.168.020, 67.17.050, 41.60.015, 43.20A.685,  
7 79A.30.030, 28A.300.136, 43.34.080, 72.09.070, 72.09.090, 72.09.100,  
8 72.09.015, 72.62.020, 72.09.080, 43.31.425, 43.31.422, 18.280.040,  
9 18.140.230, 9.94A.860, 9.94A.480, 13.50.010, 9.94A.74501, 9.94A.855,  
10 9A.52.025, 10.98.140, 10.98.160, 72.66.016, 2.56.030, 9.95.011,  
11 9.95.009, 18.44.221, 18.44.251, 18.44.195, 18.44.510, 18.44.500,  
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, 43.03.060, 42.52.010, 42.52.220, 42.52.360,  
14 42.52.550, 42.52.570, 9.95.003, 42.40.020, 42.40.910, 42.17.190,  
15 42.17.2401, 42.17.350, 42.17.510, 42.17A.100, 42.17A.320, 42.17A.635,  
16 42.17A.705, 43.03.028, and 44.05.020; reenacting and amending RCW  
17 74.39A.270, 41.56.030, 70.96A.350, 18.44.011, and 28A.290.010; adding  
18 a new section to chapter 28A.300 RCW; adding a new section to chapter  
19 39.29 RCW; adding a new section to chapter 43.03 RCW; creating new  
20 sections; decodifying RCW 74.39A.290 and 4.24.5502; repealing RCW  
21 79A.25.220, 70.127.041, 74.39A.230, 74.39A.280, 77.12.680, 28B.10.922,

1 77.12.856, 13.40.005, 9.94A.850, 9.94A.863, 9.94A.8672, 9.94A.8673,  
2 9.94A.8675, 72.09.350, 43.131.411, 43.131.412, 42.52.340, 42.52.350,  
3 and 42.52.380; providing effective dates; providing an expiration date;  
4 and declaring an emergency.

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

6 **PART I - AGENCY SPECIFIC PROVISIONS**

7 **Eastern State Hospital Board and Western State Hospital Board**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 ~~(i) Promote recruitment and retention of highly qualified~~  
34 ~~professionals at the state hospitals and community mental health~~  
35 ~~programs;~~

36 ~~(ii) Improve clinical care by exploring new, innovative, and~~  
37 ~~scientifically based treatment models for persons presenting~~  
38 ~~particularly difficult and complicated clinical syndromes;~~

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

3 (iv) Promote bilateral understanding of treatment orientation,  
4 possibilities, and challenges between state hospital professionals and  
5 community mental health professionals.

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

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

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

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

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

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

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

29 **Firearms Range Advisory Committee**

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

1 **Home Care Quality Authority**

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

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

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

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

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

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

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

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

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

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

28 (d) Reassessing and reauthorizing services;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

7       (1) (~~("Authority" means the home care quality authority.~~  
8 ~~(2) "Board" means the board created under RCW 74.39A.230.~~  
9 ~~(3)~~) "Consumer" means a person to whom an individual provider  
10 provides any such services.

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

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

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

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

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

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

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

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

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

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

22       ~~(e) – Remove))~~ .

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

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

37       ~~(g))~~ .

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 32 **Indeterminate Sentencing Review Board**

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

3       The board is created within the department. The board shall  
4 consist of a (~~chairman~~) chair and four other members, each of whom  
5 shall be appointed by the governor with the consent of the senate.  
6 Each member shall hold office for a term of five years, and until his  
7 or her successor is appointed and qualified. The terms shall expire on  
8 April 15th of the expiration year. Vacancies in the membership of the  
9 board shall be filled by appointment by the governor with the consent  
10 of the senate. In the event of the inability of any member to act, the  
11 governor shall appoint some competent person to act in his stead during  
12 the continuance of such inability. The members shall not be removable  
13 during their respective terms except for cause determined by the  
14 superior court of Thurston county. The governor in appointing the  
15 members shall designate one of them to serve as (~~chairman~~) chair at  
16 the governor's pleasure. The appointed (~~chairman~~) chair shall serve  
17 as a fully participating board member (~~and as the director of the~~  
18 ~~agency~~)).

19       The members of the board and (~~its officers and employees~~) staff  
20 assigned to the board shall not engage in any other business or  
21 profession or hold any other public office without the prior approval  
22 of the executive ethics board indicating compliance with RCW 42.52.020,  
23 42.52.030, 42.52.040 and 42.52.120; nor shall they, at the time of  
24 appointment or employment or during their incumbency, serve as the  
25 representative of any political party on an executive committee or  
26 other governing body thereof, or as an executive officer or employee of  
27 any political committee or association. The members of the board shall  
28 each severally receive salaries (~~fixed by the governor~~) in accordance  
29 with the provisions of RCW 43.03.040, and in addition shall receive  
30 travel expenses incurred in the discharge of their official duties in  
31 accordance with RCW 43.03.050 and 43.03.060. Employees assigned to the  
32 board shall be employees of the department.

33       The (~~board~~) secretary may employ (~~, and fix, with the approval of~~  
34 ~~the governor, the compensation of and prescribe the duties of~~) a  
35 senior administrative officer and such (~~officers, employees, and~~  
36 ~~assistants~~) other personnel as may be necessary (~~, and provide~~  
37 ~~necessary quarters, supplies, and equipment~~) to carry out the duties  
38 of the board.

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

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

9       The superintendents of the different institutions shall provide  
10 suitable quarters for the board (~~(and—assistants)~~) while in the  
11 discharge of their duties.

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

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

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

27       (1) The board shall cause a complete record to be kept of every  
28 prisoner under the jurisdiction of the board released on parole or  
29 community custody. Such records shall be organized in accordance with  
30 the most modern methods of filing and indexing so that there will be  
31 always immediately available complete information about each such  
32 prisoner. Subject to information sharing provisions related to  
33 (~~(mentally—ill)~~) offenders(~~(7)~~) with mental illness and the end of  
34 sentence review committee, (~~(and the department of corrections,7)~~) the  
35 board may make rules as to the privacy of such records and their use by  
36 others than the board and (~~(its)~~) the department staff assigned to

1 perform board-related duties. Sex offenders convicted of crimes  
2 committed before July 1, 1984, who are under the board's jurisdiction  
3 shall be subject to the determinations of the end of sentence review  
4 committee regarding risk level and subject to sex offender registration  
5 and community notification. The board and the department staff  
6 assigned to perform board-related duties shall be immune from liability  
7 for the release of information concerning sex offenders as provided in  
8 RCW 4.24.550.

9 The superintendents of state correctional facilities and all  
10 officers and employees thereof and all other public officials shall at  
11 all times cooperate with the board and furnish to the board(~~(, its~~  
12 ~~officers, and employees)) and staff assigned to perform board-related  
13 duties such information as may be necessary to enable it to perform its  
14 functions, and such superintendents and other employees shall at all  
15 times give the members of the board(~~(, its officers, and employees))~~  
16 and staff assigned to perform board-related duties free access to all  
17 prisoners confined in the state correctional facilities.~~

18 (2) Offenders sentenced under RCW 9.94A.507 shall be subject to the  
19 determinations of the end of sentence review committee regarding risk  
20 level and subject to sex offender registration and community  
21 notification.

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

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

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

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

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

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

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

15       (b) The board retains the jurisdiction to issue a certificate of  
16 discharge after the expiration of the offender's or parolee's maximum  
17 statutory sentence. If not earlier granted and any and all legal  
18 financial obligations have been paid, the board shall issue a final  
19 order of discharge three years from the date of parole unless the  
20 parolee is on suspended or revoked status at the expiration of the  
21 three years.

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

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

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

29       (2) (~~The board shall send to the department of corrections~~) A  
30 copy of every signed certificate of discharge for offender sentences  
31 under the authority of the department of corrections shall be placed in  
32 the department's files.

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

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

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

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

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

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

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

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

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

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

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



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

5 (i) Completing presentence investigations or risk assessment  
6 reports;

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

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

10 (iv) Planning for and provision of supervision of an offender,  
11 including decisions related to sanctions for violations of conditions  
12 of community supervision; and

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

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

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

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

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

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

33 (ii) Such information may be shared with a prosecuting attorney  
34 acting in an advisory capacity for a person who receives information  
35 under this section. A prosecuting attorney under this subsection shall  
36 be subject to the same restrictions and confidentiality limitations as  
37 the person who requested the information; and

38 (iii) As provided in RCW 72.09.585.

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

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

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

22 (7) Whenever federal law or federal regulations restrict the  
23 release of information contained in the treatment records of any  
24 patient who receives treatment for alcoholism or drug dependency, the  
25 release of the information may be restricted as necessary to comply  
26 with federal law and regulations.

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

30 (9) In collaboration with interested organizations, the department  
31 shall develop a standard form for requests for information related to  
32 mental health services made under this section and a standard format  
33 for information provided in response to such requests. Consistent with  
34 the goals of the health information privacy provisions of the federal  
35 health insurance portability and accountability act, in developing the  
36 standard form for responsive information, the department shall design  
37 the form in such a way that the information disclosed is limited to the

1 minimum necessary to serve the purpose for which the information is  
2 requested.

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

5 (1) When the department is determining an offender's risk  
6 management level, the department shall inquire of the offender and  
7 shall be told whether the offender is subject to court-ordered  
8 treatment for mental health services or chemical dependency services.  
9 The department shall request and the offender shall provide an  
10 authorization to release information form that meets applicable state  
11 and federal requirements and shall provide the offender with written  
12 notice that the department will request the offender's mental health  
13 and substance abuse treatment information. An offender's failure to  
14 inform the department of court-ordered treatment is a violation of the  
15 conditions of supervision if the offender is in the community and an  
16 infraction if the offender is in confinement, and the violation or  
17 infraction is subject to sanctions.

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

30 (3) The information received by the department under RCW 71.05.445  
31 or (~~71.34.225~~) 71.34.345 may be released to the indeterminate  
32 sentence review board as relevant to carry out its responsibility of  
33 planning and ensuring community protection with respect to persons  
34 under its jurisdiction. Further disclosure by the indeterminate  
35 sentence review board is subject to the limitations set forth in  
36 subsections (5) and (6) of this section and must be consistent with the  
37 written policy of the indeterminate sentence review board. The

1 decision to disclose or not shall not result in civil liability for the  
2 indeterminate sentence review board or (~~its employees~~) staff assigned  
3 to perform board-related duties provided that the decision was reached  
4 in good faith and without gross negligence.

5 (4) The information received by the department under RCW 71.05.445  
6 or (~~71.34.225~~) 71.34.345 may be used to meet the statutory duties of  
7 the department to provide evidence or report to the court. Disclosure  
8 to the public of information provided to the court by the department  
9 related to mental health services shall be limited in accordance with  
10 RCW 9.94A.500 or this section.

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

25 (6) The information received by the department under RCW 71.05.445  
26 or (~~71.34.225~~) 71.34.345 may be disclosed by the department to  
27 individuals only with respect to offenders who have been determined by  
28 the department to have a high risk of reoffending by a risk assessment,  
29 as defined in RCW 9.94A.030, only as relevant and necessary for those  
30 individuals to take reasonable steps for the purpose of self-  
31 protection, or as provided in RCW 72.09.370(2). The information may  
32 not be disclosed for the purpose of engaging the public in a system of  
33 supervision, monitoring, and reporting offender behavior to the  
34 department. The department must limit the disclosure of information  
35 related to mental health services to the public to descriptions of an  
36 offender's behavior, risk he or she may present to the community, and  
37 need for mental health treatment, including medications, and shall not  
38 disclose or release to the public copies of treatment documents or

1 records, except as otherwise provided by law. All disclosure of  
2 information to the public must be done in a manner consistent with the  
3 written policy established by the secretary. The decision to disclose  
4 or not shall not result in civil liability for the department or its  
5 employees so long as the decision was reached in good faith and without  
6 gross negligence. Nothing in this subsection prevents any person from  
7 reporting to law enforcement or the department behavior that he or she  
8 believes creates a public safety risk.

9 NEW SECTION. **Sec. 23.** (1) The indeterminate sentence review  
10 board is transferred to the department of corrections.

11 (2)(a) All reports, documents, surveys, books, records, files,  
12 papers, or written material in the possession of the indeterminate  
13 sentence review board shall be delivered to the custody of the  
14 department of corrections. All cabinets, furniture, office equipment,  
15 motor vehicles, and other tangible property employed by the  
16 indeterminate sentence review board shall be made available to the  
17 department of corrections. All funds, credits, or other assets held by  
18 the indeterminate sentence review board shall be assigned to the  
19 department of corrections.

20 (b) Any appropriations made to the indeterminate sentence review  
21 board shall, on the effective date of this section, be transferred and  
22 credited to the department of corrections.

23 (c) If any question arises as to the transfer of any personnel,  
24 funds, books, documents, records, papers, files, equipment, or other  
25 tangible property used or held in the exercise of the powers and the  
26 performance of the duties and functions transferred, the director of  
27 financial management shall make a determination as to the proper  
28 allocation and certify the same to the state agencies concerned.

29 (3) All employees of the indeterminate sentence review board are  
30 transferred to the jurisdiction of the department of corrections. All  
31 employees classified under chapter 41.06 RCW, the state civil service  
32 law, are assigned to the department of corrections to perform their  
33 usual duties upon the same terms as formerly, without any loss of  
34 rights, subject to any action that may be appropriate thereafter in  
35 accordance with the laws and rules governing state civil service.

36 (4) All rules and all pending business before the indeterminate  
37 sentence review board shall be continued and acted upon by the

1 department of corrections. All existing contracts and obligations  
2 shall remain in full force and shall be performed by the department of  
3 corrections.

4 (5) The transfer of the powers, duties, functions, and personnel of  
5 the indeterminate sentence review board shall not affect the validity  
6 of any act performed before the effective date of this section.

7 (6) If apportionments of budgeted funds are required because of the  
8 transfers directed by this section, the director of financial  
9 management shall certify the apportionments to the agencies affected,  
10 the state auditor, and the state treasurer. Each of these shall make  
11 the appropriate transfer and adjustments in funds and appropriation  
12 accounts and equipment records in accordance with the certification.

13 (7) All classified employees of the indeterminate sentence review  
14 board assigned to the department of corrections under this act whose  
15 positions are within an existing bargaining unit description at the  
16 department of corrections shall become a part of the existing  
17 bargaining unit at the department of corrections and shall be  
18 considered an appropriate inclusion or modification of the existing  
19 bargaining unit under the provisions of chapter 41.80 RCW.

20 (8) Notwithstanding any provision of this act and despite the  
21 transfer of the indeterminate sentence review board to the department  
22 of corrections, the members of the indeterminate sentence review board  
23 will possess and shall exercise independent judgment when making any  
24 decisions concerning offenders. These decisions include, but are not  
25 limited to, decisions concerning offenders' release, revocation, or  
26 reinstatement, or the imposition of conditions of supervision.

27 NEW SECTION. **Sec. 24.** RCW 4.24.5502 is decodified.

28 **Migratory Waterfowl Art Committee**

29 NEW SECTION. **Sec. 25.** RCW 77.12.680 (Migratory waterfowl art  
30 committee--Membership--Terms--Vacancies--Chairman--Review of  
31 expenditures--Compensation) and 1987 c 506 s 54 & 1985 c 243 s 5 are  
32 each repealed.

1       **Sec. 26.** RCW 77.12.670 and 2002 c 283 s 2 are each amended to read  
2 as follows:

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

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

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

33       (4) With regard to the revenue from license validation and stamp  
34 sales that is not the result of sales to stamp collectors, the  
35 department shall determine the proportion of migratory waterfowl  
36 hunters and solely nonwaterfowl migratory bird hunters by using the  
37 yearly migratory bird hunter harvest information program survey results  
38 or, in the event that these results are not available, other similar

1 survey results. A two-year average of the most recent survey results  
2 shall be used to determine the proportion of the revenue attributed to  
3 migratory waterfowl hunters and the proportion attributed to solely  
4 nonwaterfowl migratory bird hunters for each fiscal year. For fiscal  
5 year 1998-99 and for fiscal year 1999-2000, ninety-six percent of the  
6 stamp revenue shall be attributed to migratory waterfowl hunters and  
7 four percent of the stamp revenue shall be attributed to solely  
8 nonwaterfowl migratory game hunters.

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

25 (6) The department may produce migratory bird stamps in any given  
26 year in excess of those necessary for sale in that year. The excess  
27 stamps may be sold to the (~~migratory waterfowl art committee for sale~~  
28 ~~to the~~) public.

29 **Sec. 27.** RCW 77.12.690 and 2009 c 333 s 38 are each amended to  
30 read as follows:

31 (1) The (~~migratory waterfowl art committee~~) director is  
32 responsible for the selection of the annual migratory bird stamp design  
33 (~~and shall provide the design to the department. If the committee~~  
34 ~~does not perform this duty within the time frame necessary to achieve~~  
35 ~~proper and timely distribution of the stamps to license dealers, the~~  
36 ~~director shall initiate the art work selection for that year~~). The  
37 (~~committee~~) department shall create collector art prints and related



1 artwork, utilizing the same design (~~(as provided to the department)~~).  
2 The administration, sale, distribution, and other matters relating to  
3 the prints and sales of stamps with prints and related artwork shall be  
4 the responsibility of the (~~migratory waterfowl art committee~~)  
5 department.

6 (2) The total amount brought in from the sale of prints and related  
7 artwork shall be deposited in the state wildlife account created in RCW  
8 77.12.170. The costs of producing and marketing of prints and related  
9 artwork(~~(, including administrative expenses mutually agreed upon by~~  
10 ~~the committee and the director,~~) shall be paid out of the total amount  
11 brought in from sales of those same items. Net funds derived from the  
12 sale of prints and related artwork shall be used by the director to  
13 contract with one or more appropriate individuals or nonprofit  
14 organizations for the development of waterfowl propagation projects  
15 within Washington which specifically provide waterfowl for the Pacific  
16 flyway. The department shall not contract with any individual or  
17 organization that obtains compensation for allowing waterfowl hunting  
18 except if the individual or organization does not permit hunting for  
19 compensation on the subject property.

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

23 **Sec. 28.** RCW 77.08.045 and 1998 c 191 s 31 are each amended to  
24 read as follows:

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

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

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

30 (3) "Migratory bird stamp" means the stamp that is required by RCW  
31 77.32.350 to be in the possession of all persons to hunt migratory  
32 birds; and

33 (4) "Prints and artwork" means replicas of the original stamp  
34 design that are sold to the general public. Prints and artwork are not  
35 to be construed to be the migratory bird stamp that is required by RCW  
36 77.32.350. Artwork may be any facsimile of the original stamp design,

1 including color renditions, metal duplications, or any other kind of  
2 design(~~(~~and~~~~  
3 ~~(5) "Migratory waterfowl art committee" means the committee created~~  
4 ~~by RCW 77.12.680. The committee's primary function is to select the~~  
5 ~~annual migratory bird stamp design)).~~

6 **Performance Agreement Committee**

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

10 **Salmon Stamp Selection Committee**

11 NEW SECTION. **Sec. 30.** RCW 77.12.856 (Salmon stamp selection  
12 committee--Creation) and 1999 c 342 s 5 are each repealed.

13 **Sec. 31.** RCW 77.12.850 and 1999 c 342 s 2 are each amended to read  
14 as follows:

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

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

19	<b>Scientific Name</b>	<b>Common Name</b>
20	<i>Oncorhynchus tshawytscha</i>	Chinook salmon
21	<i>Oncorhynchus kisutch</i>	Coho salmon
22	<i>Oncorhynchus keta</i>	Chum salmon
23	<i>Oncorhynchus gorbuscha</i>	Pink salmon
24	<i>Oncorhynchus nerka</i>	Sockeye salmon

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

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

1       ~~(4)~~) "Stamp" means the stamp created under the Washington salmon  
2 stamp program and the Washington junior salmon stamp program, created  
3 in RCW 77.12.850 through 77.12.860.

4                                   **State Advisory Board of Plumbers**

5       **Sec. 32.** RCW 18.106.110 and 2006 c 185 s 4 are each amended to  
6 read as follows:

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

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

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

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

1       **Sec. 33.** RCW 49.04.010 and 2001 c 204 s 1 are each amended to read  
2 as follows:

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

26       (2) The apprenticeship council is authorized to approve  
27 apprenticeship programs, and establish apprenticeship program standards  
28 as rules, including requirements for apprentice-related and  
29 supplemental instruction, coordination of instruction with job  
30 experiences, and instructor qualifications. The council shall consider  
31 recommendations from the state board for community and technical  
32 colleges on matters of apprentice-related and supplemental instruction,  
33 coordination of instruction with job experiences, and instructor  
34 qualifications. The rules for apprenticeship instructor qualifications  
35 shall either be by reference or reasonably similar to the applicable  
36 requirements established by or pursuant to chapter 28B.50 RCW. The  
37 council is further authorized to issue such rules as may be necessary

1 to carry out the intent and purposes of this chapter, including a  
2 procedure to resolve an impasse should a tie vote of the council occur,  
3 and perform such other duties as are hereinafter imposed.

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

7 **Sec. 34.** RCW 36.93.051 and 1991 c 363 s 93 are each amended to  
8 read as follows:

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

11 ~~(1) ((Three persons shall be appointed by the governor;~~  
12 ~~(2) — Three))~~ Four persons shall be appointed by the county  
13 appointing authority;

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

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

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

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

33 The mayors making the initial city and town appointments shall  
34 designate two of their initial appointees to serve terms of two years,  
35 and one of their initial appointees to serve a term of four years, if  
36 the appointments are made in an odd-numbered year, or two of their  
37 initial appointees to serve terms of one year, and one of their initial

1 appointees to serve a term of three years, if the appointments are made  
2 in an even-numbered year, with the length of the term being calculated  
3 from the first day of February in the year the appointment was made.

4 The board shall make two initial appointments from the nominees of  
5 special districts, with one appointee serving a term of four years and  
6 one initial appointee serving a term of two years, if the appointments  
7 are made in an odd-numbered year, or one initial appointee serving a  
8 term of three years and one initial appointee serving a term of one  
9 year if the appointments are made in an even-numbered year, with the  
10 length of the term being calculated from the first day of March in the  
11 year in which the appointment is made.

12 After the initial appointments, all appointees shall serve four-  
13 year terms.

14 No appointee may be an official or employee of the county or a  
15 governmental unit in the county, or a consultant or advisor on a  
16 contractual or regular retained basis of the county, any governmental  
17 unit in the county, or any agency or association thereof.

#### 18 **Commission on Pesticide Registration**

19 **Sec. 35.** RCW 15.92.090 and 1999 c 247 s 1 are each amended to read  
20 as follows:

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

24 (a) Eight members from the following segments of the state's  
25 agricultural industry as nominated by a statewide private agricultural  
26 association or agricultural commodity commission formed under Title 15  
27 RCW: (i) The tree fruit industry; (ii) hop growers; (iii) potato  
28 growers; (iv) wheat growers; (v) vegetable and seed growers; (vi) berry  
29 growers; (vii) wine grape growers; and (viii) the nursery and landscape  
30 industry. Although members are appointed from various segments of the  
31 agriculture industry, they are appointed to represent and advance the  
32 interests of the industry as a whole.

33 (b) One member from each of the following: (i) Forest protection  
34 industry; (ii) food processors; (iii) agricultural chemical industry;  
35 and (iv) professional pesticide applicators. One member shall be

1 appointed for each such segment of the industry and shall be nominated  
2 by a statewide, private association of that segment of the industry.  
3 The representative of the agricultural chemical industry shall be  
4 involved in the manufacture of agricultural crop protection products.

5 The following shall be ex officio, nonvoting members of the  
6 commission: The coordinator of the interregional project number four  
7 at Washington State University; the director of the department of  
8 ecology or the director's designee; the director of the department of  
9 agriculture or the director's designee; the director of the department  
10 of labor and industries or the director's designee; and the secretary  
11 of the department of health or the secretary's designee.

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

29 (3) ~~((Nominations for the initial appointments to the commission  
30 under subsection (1) of this section shall be submitted by September 1,  
31 1995. The governor shall make initial appointments to the commission  
32 by October 15, 1995.~~

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

1 **Community Economic Revitalization Board**

2 **Sec. 36.** RCW 43.160.030 and 2008 c 327 s 3 are each amended to  
3 read as follows:

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

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

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

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

35 (5) If a vacancy occurs by death, resignation, or otherwise of  
36 appointive members of the board, the (~~governor~~) director of commerce  
37 shall fill the same for the unexpired term. Members of the board may



1 be removed for malfeasance or misfeasance in office, upon specific  
2 written charges by the ((governor)) director of commerce, under chapter  
3 34.05 RCW.

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

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

10 **Commute Trip Reduction Board**

11 **Sec. 37.** RCW 70.94.537 and 2006 c 329 s 7 are each amended to read  
12 as follows:

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

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

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

19 (c) The director or the director's designee of one of the following  
20 agencies, to be determined by the ((governor)) secretary of  
21 transportation:

- 22 (i) Department of general administration;
- 23 (ii) Department of ecology;
- 24 (iii) Department of ((~~community, trade, and economic development~~))  
25 commerce;

26 (d) Three representatives from cities and towns or counties  
27 appointed by the ((governor)) secretary of transportation for staggered  
28 four-year terms from a list recommended by the association of  
29 Washington cities or the Washington state association of counties;

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

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

1 (g) Four representatives of employers at or owners of major  
2 worksites in Washington, or transportation management associations,  
3 business improvement areas, or other transportation organizations  
4 representing employers, appointed by the ((governor)) secretary of  
5 transportation for staggered four-year terms; and

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

8 Members of the commute trip reduction board shall serve without  
9 compensation but shall be reimbursed for travel expenses as provided in  
10 RCW 43.03.050 and 43.03.060. Members appointed by the ((governor))  
11 secretary of transportation shall be compensated in accordance with RCW  
12 43.03.220. The board has all powers necessary to carry out its duties  
13 as prescribed by this chapter.

14 (2) By March 1, 2007, the department of transportation shall  
15 establish rules for commute trip reduction plans and implementation  
16 procedures. The commute trip reduction board shall advise the  
17 department on the content of the rules. The rules are intended to  
18 ensure consistency in commute trip reduction plans and goals among  
19 jurisdictions while fairly taking into account differences in  
20 employment and housing density, employer size, existing and anticipated  
21 levels of transit service, special employer circumstances, and other  
22 factors the board determines to be relevant. The rules shall include:

23 (a) Guidance criteria for growth and transportation efficiency  
24 centers;

25 (b) Data measurement methods and procedures for determining the  
26 efficacy of commute trip reduction activities and progress toward  
27 meeting commute trip reduction plan goals;

28 (c) Model commute trip reduction ordinances;

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

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

37 (f) Establishment of a process for determining the state's affected

1 areas, including criteria and procedures for regional transportation  
2 planning organizations in consultation with local jurisdictions to  
3 propose to add or exempt urban growth areas;

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

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

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

14 (j) Guidelines for creating and updating regional commute trip  
15 reduction plans, including guidance to ensure the regional commute trip  
16 reduction plan is consistent with and incorporated into transportation  
17 demand management components in the regional transportation plan;

18 (k) Methods for regional transportation planning organizations to  
19 evaluate and certify that designated growth and transportation  
20 efficiency center programs meet the minimum requirements and are  
21 eligible for funding;

22 (l) Guidelines for creating and updating growth and transportation  
23 efficiency center programs; and

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

30 (3) The board shall create a state commute trip reduction plan that  
31 shall be updated every four years as discussed in subsection (5) of  
32 this section. The state commute trip reduction plan shall include, but  
33 is not limited to: (a) Statewide commute trip reduction program goals  
34 that are designed to substantially improve the mobility of people and  
35 goods; (b) identification of strategies at the state and regional  
36 levels to achieve the goals and recommendations for how transportation  
37 demand management strategies can be targeted most effectively to  
38 support commute trip reduction program goals; (c) performance measures

1 for assessing the cost-effectiveness of commute trip reduction  
2 strategies and the benefits for the state transportation system; and  
3 (d) a sustainable financial plan. The board shall review and approve  
4 regional commute trip reduction plans, and work collaboratively with  
5 regional transportation planning organizations in the establishment of  
6 the state commute trip reduction plan.

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

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

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

36 (7) The board shall invite personnel with appropriate expertise  
37 from state, regional, and local government, private, public, and  
38 nonprofit providers of transportation services, and employers or owners

1 of major worksites in Washington to act as a technical advisory group.  
2 The technical advisory group shall advise the board on the  
3 implementation of local and regional commute trip reduction plans and  
4 programs, program evaluation, program funding allocations, and state  
5 rules and guidelines.

6 **Sec. 38.** RCW 38.52.040 and 1995 c 269 s 1202 are each amended to  
7 read as follows:

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

25 (2) The emergency management council shall advise the governor and  
26 the director on all matters pertaining to state and local emergency  
27 management. The council may appoint such ad hoc committees,  
28 subcommittees, and working groups as are required to develop specific  
29 recommendations for the improvement of emergency management practices,  
30 standards, policies, or procedures. The council shall ensure that the  
31 governor receives an annual assessment of statewide emergency  
32 preparedness including, but not limited to, specific progress on hazard  
33 mitigation and reduction efforts, implementation of seismic safety  
34 improvements, reduction of flood hazards, and coordination of hazardous  
35 materials planning and response activities. The council or a  
36 subcommittee thereof shall periodically convene in special session and  
37 serve during those sessions as the state emergency response commission

1 required by P.L. 99-499, the emergency planning and community right-to-  
2 know act. When sitting in session as the state emergency response  
3 commission, the council shall confine its deliberations to those items  
4 specified in federal statutes and state administrative rules governing  
5 the coordination of hazardous materials policy. The council shall  
6 review administrative rules governing state and local emergency  
7 management practices and recommend necessary revisions to the director.

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

9 **Sec. 39.** RCW 70.168.020 and 2000 c 93 s 20 are each amended to  
10 read as follows:

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

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

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

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

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

5 (b) Review the regional emergency medical services and trauma care  
6 plans and recommend changes to the department before the department  
7 adopts the plans.

8 (c) Review proposed departmental rules for emergency medical  
9 services and trauma care.

10 (d) Recommend modifications in rules regarding emergency medical  
11 services and trauma care.

12 **Horse Racing Compact Committee**

13 **Sec. 40.** RCW 67.17.050 and 2001 c 18 s 6 are each amended to read  
14 as follows:

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

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

6 **Productivity Board**

7 **Sec. 41.** RCW 41.60.015 and 2000 c 139 s 1 are each amended to read  
8 as follows:

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

13 (2) The board shall be composed of:

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

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

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

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

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

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

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



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

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

7 **Sec. 42.** RCW 43.20A.685 and 1981 c 151 s 2 are each amended to  
8 read as follows:

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

34 (2) The speaker of the house of representatives and the president  
35 of the senate shall each appoint two nonvoting members to the council;  
36 one from each of the two largest caucuses in each house. The terms of  
37 the members so appointed shall be for approximately two years and the

1 terms shall expire before the first day of the legislative session in  
2 odd-numbered years. They shall be compensated by their respective  
3 houses as provided under RCW 44.04.120, as now or hereafter amended.

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

8 **Washington State Horse Park Commission**

9 **Sec. 43.** RCW 79A.30.030 and 2000 c 11 s 85 are each amended to  
10 read as follows:

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

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

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

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

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

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

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

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

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

### 23 **Educational Opportunity Gap Oversight and Accountability Committee**

24 **Sec. 44.** RCW 28A.300.136 and 2010 c 235 s 901 are each amended to  
25 read as follows:

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

33 (2) The committee shall recommend specific policies and strategies  
34 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)) educational opportunity gap oversight and  
21 accountability 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 in consultation with the  
34 state ethnic commissions, who represent the following populations:  
35 African-Americans, Hispanic Americans, Asian Americans, and Pacific  
36 Islander Americans.
- 37 (5) The governor and the tribes are encouraged to designate members  
38 who have experience working in and with schools.

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

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

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

#### 17 Capitol Campus Design Advisory Committee

18 **Sec. 45.** RCW 43.34.080 and 1990 c 93 s 1 are each amended to read  
19 as follows:

20 (1) The capitol campus design advisory committee is established as  
21 an advisory group to the capitol committee and the director of general  
22 administration to review programs, planning, design, and landscaping of  
23 state capitol facilities and grounds and to make recommendations that  
24 will contribute to the attainment of architectural, aesthetic,  
25 functional, and environmental excellence in design and maintenance of  
26 capitol facilities on campus and located in neighboring communities.

27 (2) The advisory committee shall consist of the following persons  
28 who shall be appointed by and serve at the pleasure of the ((governor))  
29 director of general administration:

- 30 (a) Two architects;
- 31 (b) A landscape architect; and
- 32 (c) An urban planner.

33 The ((governor)) director of general administration shall appoint  
34 the chair and vice chair and shall ((instruct the director of general

1 ~~administration-to~~) provide the staff and resources necessary for  
2 implementing this section. The advisory committee shall meet at least  
3 once every ninety days and at the call of the chair.

4 The members of the committee shall be reimbursed as provided in RCW  
5 43.03.220 and 44.04.120.

6 (3) The advisory committee shall also consist of the secretary of  
7 state and two members of the house of representatives, one from each  
8 caucus, who shall be appointed by the speaker of the house of  
9 representatives, and two members of the senate, one from each caucus,  
10 who shall be appointed by the president of the senate.

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

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

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

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

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

25 (e) Landscaping plans and designs, including planting proposals,  
26 street furniture, sculpture, monuments, and access to the capitol  
27 campus and buildings.

## 28 **Correctional Industries Board**

29 **Sec. 46.** RCW 72.09.070 and 2004 c 167 s 1 are each amended to read  
30 as follows:

31 ~~((+1))~~ There is created a correctional industries ~~((board-of~~  
32 ~~directors))~~ advisory committee which shall have the composition  
33 provided in RCW 72.09.080. The advisory committee shall make  
34 recommendations to the secretary regarding the implementation of RCW  
35 72.09.100.

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

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

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

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

15       ~~(d) Encourage the development of and provide for selection of,~~  
16 ~~contracting for, and supervision of work programs with participating~~  
17 ~~private enterprise firms;~~

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

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

23       ~~(3) The board of directors shall at least annually review the work~~  
24 ~~performance of the director of correctional industries division with~~  
25 ~~the secretary.~~

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

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

34       ~~Where a labor management trade advisory and apprenticeship~~  
35 ~~committee has already been established by the department pursuant to~~  
36 ~~RCW 72.62.050 the existing committee shall also advise the board of~~  
37 ~~directors.~~

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

8       **Sec. 47.** RCW 72.09.090 and 1989 c 185 s 6 are each amended to read  
9 as follows:

10       The correctional industries account is established in the state  
11 treasury. The department of corrections shall deposit in the account  
12 all moneys collected and all profits that accrue from the industrial  
13 and agricultural operations of the department and any moneys  
14 appropriated to the account. Moneys in the account may be spent only  
15 for expenses arising in the correctional industries operations.

16       The division's net profits from correctional industries' sales and  
17 contracts shall be reinvested, without appropriation, in the expansion  
18 and improvement of correctional industries. However, the ~~((board of~~  
19 ~~directors))~~ secretary shall annually recommend that some portion of the  
20 profits from correctional industries be returned to the state general  
21 fund.

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

26       **Sec. 48.** RCW 72.09.100 and 2005 c 346 s 1 are each amended to read  
27 as follows:

28       It is the intent of the legislature to vest in the department the  
29 power to provide for a comprehensive inmate work program and to remove  
30 statutory and other restrictions which have limited work programs in  
31 the past. It is also the intent of the legislature to ensure that the  
32 ~~((correctional industries board of directors))~~ department, in  
33 developing and selecting correctional industries work programs, does  
34 not encourage the development of, or provide for selection of or  
35 contracting for, or the significant expansion of, any new or existing  
36 class I correctional industries work programs that unfairly compete



1 with Washington businesses. The legislature intends that the  
2 requirements relating to fair competition in the correctional  
3 industries work programs be liberally construed by the (~~correctional~~  
4 ~~industries—board—of—directors~~) department to protect Washington  
5 businesses from unfair competition. For purposes of establishing such  
6 a comprehensive program, the legislature recommends that the department  
7 consider adopting any or all, or any variation of, the following  
8 classes of work programs:

9 (1) CLASS I: FREE VENTURE INDUSTRIES.

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

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

19 (c) The (~~correctional industries board of directors~~) department  
20 shall review these proposed industries, including any potential new  
21 class I industries work program or the significant expansion of an  
22 existing class I industries work program, before the department  
23 contracts to provide such products or services. The review shall  
24 include the analysis required under RCW 72.09.115 to determine if the  
25 proposed correctional industries work program will compete with any  
26 Washington business. An agreement for a new class I correctional  
27 industries work program, or an agreement for a significant expansion of  
28 an existing class I correctional industries work program, that unfairly  
29 competes with any Washington business is prohibited.

30 (d) The department (~~of—corrections~~) shall supply appropriate  
31 security and custody services without charge to the participating  
32 firms.

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

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

5 (2) CLASS II: TAX REDUCTION INDUSTRIES.

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

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

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

18 (A) Public agencies;

19 (B) Nonprofit organizations;

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

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

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

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

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

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

34 (c)(i) Class II correctional industries products and services shall  
35 be reviewed by the (~~(correctional industries board of directors)~~)  
36 department before offering such products and services for sale to  
37 private contractors.

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

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

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

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

25 (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

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

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

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

36 (iii) Whenever possible, to offset tax and other public support  
37 costs.

1 (b) Class III correctional industries shall be reviewed by the  
2 (~~correctional industries board of directors~~) department to set policy  
3 for work crews. The department shall (~~present to the board of~~  
4 ~~directors~~) prepare quarterly detail statements showing where work  
5 crews worked, what correctional industry class, and the hours worked.  
6 (~~The board of directors may review any class III program at its~~  
7 ~~discretion.~~)

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

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

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

16 (4) CLASS IV: COMMUNITY WORK INDUSTRIES.

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

22 (b) Class IV correctional industries shall be reviewed by the  
23 (~~correctional industries board of directors~~) department to set policy  
24 for work crews. The department shall (~~present to the board of~~  
25 ~~directors~~) prepare quarterly detail statements showing where work  
26 crews worked, what correctional industry class, and the hours worked.  
27 (~~The board of directors may review any class IV program at its~~  
28 ~~discretion.~~) Class IV correctional industries operated in work camps  
29 established pursuant to RCW 72.64.050 are exempt from the requirements  
30 of this subsection (4)(b).

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

35 (d) The department (~~of corrections~~) shall reimburse participating  
36 units of local government for liability and workers compensation  
37 insurance costs.

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

5 (5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

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

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

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

16 **Sec. 49.** RCW 72.09.015 and 2010 c 181 s 1 are each amended to read  
17 as follows:

18 The definitions in this section apply throughout this chapter.

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

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

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

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

34 (5) "Correctional facility" means a facility or institution  
35 operated directly or by contract by the secretary for the purposes of  
36 incarcerating adults in total or partial confinement, as defined in RCW  
37 9.94A.030.

- 1 (6) "County" means a county or combination of counties.
- 2 (7) "Department" means the department of corrections.
- 3 (8) "Earned early release" means earned release as authorized by  
4 RCW 9.94A.728.
- 5 (9) "Evidence-based" means a program or practice that has had  
6 multiple-site random controlled trials across heterogeneous populations  
7 demonstrating that the program or practice is effective in reducing  
8 recidivism for the population.
- 9 (10) "Extended family visit" means an authorized visit between an  
10 inmate and a member of his or her immediate family that occurs in a  
11 private visiting unit located at the correctional facility where the  
12 inmate is confined.
- 13 (11) "Good conduct" means compliance with department rules and  
14 policies.
- 15 (12) "Good performance" means successful completion of a program  
16 required by the department, including an education, work, or other  
17 program.
- 18 (13) "Immediate family" means the inmate's children, stepchildren,  
19 grandchildren, great grandchildren, parents, stepparents, grandparents,  
20 great grandparents, siblings, and a person legally married to or in a  
21 state registered domestic partnership with an inmate. "Immediate  
22 family" does not include an inmate adopted by another inmate or the  
23 immediate family of the adopted or adopting inmate.
- 24 (14) "Indigent inmate," "indigent," and "indigency" mean an inmate  
25 who has less than a ten-dollar balance of disposable income in his or  
26 her institutional account on the day a request is made to utilize funds  
27 and during the thirty days previous to the request.
- 28 (15) "Individual reentry plan" means the plan to prepare an  
29 offender for release into the community. It should be developed  
30 collaboratively between the department and the offender and based on an  
31 assessment of the offender using a standardized and comprehensive tool  
32 to identify the offender's risks and needs. The individual reentry  
33 plan describes actions that should occur to prepare individual  
34 offenders for release from prison or jail, specifies the supervision  
35 and services they will experience in the community, and describes an  
36 offender's eventual discharge to aftercare upon successful completion  
37 of supervision. An individual reentry plan is updated throughout the

1 period of an offender's incarceration and supervision to be relevant to  
2 the offender's current needs and risks.

3 (16) "Inmate" means a person committed to the custody of the  
4 department, including but not limited to persons residing in a  
5 correctional institution or facility and persons released from such  
6 facility on furlough, work release, or community custody, and persons  
7 received from another state, state agency, county, or federal  
8 jurisdiction.

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

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

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

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

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

24 (19) "Postpartum recovery" means (a) the entire period a woman or  
25 youth is in the hospital, birthing center, or clinic after giving birth  
26 and (b) an additional time period, if any, a treating physician  
27 determines is necessary for healing after the woman or youth leaves the  
28 hospital, birthing center, or clinic.

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

35 (21) "Promising practice" means a practice that presents, based on  
36 preliminary information, potential for becoming a research-based or  
37 consensus-based practice.

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

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

6 (a) Physical restraint; or

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

10 (24) "Secretary" means the secretary of corrections or his or her  
11 designee.

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

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

21 (27) "Transportation" means the conveying, by any means, of an  
22 incarcerated pregnant woman or youth from the correctional facility to  
23 another location from the moment she leaves the correctional facility  
24 to the time of arrival at the other location, and includes the  
25 escorting of the pregnant incarcerated woman or youth from the  
26 correctional facility to a transport vehicle and from the vehicle to  
27 the other location.

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

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

37 (30) "Washington business" means an in-state manufacturer or



1 service provider subject to chapter 82.04 RCW existing on June 10,  
2 2004.

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

5 **Sec. 50.** RCW 72.62.020 and 1989 c 185 s 12 are each amended to  
6 read as follows:

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

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

19 **Sec. 51.** RCW 72.09.080 and 1993 sp.s. c 20 s 4 are each amended to  
20 read as follows:

21 (1) The correctional industries ~~((board — of — directors))~~ advisory  
22 committee shall consist of nine voting members, appointed by the  
23 ~~((governor))~~ secretary. Each member shall serve a three-year staggered  
24 term. ~~((Initially, the governor shall appoint three members to one-  
25 year terms, three members to two year terms, and three members to  
26 three year terms.))~~ The speaker of the house of representatives and  
27 the president of the senate shall each appoint one member from each of  
28 the two largest caucuses in their respective houses. The legislators  
29 so appointed shall be nonvoting members and shall serve two-year terms,  
30 or until they cease to be members of the house from which they were  
31 appointed, whichever occurs first. The nine members appointed by the  
32 ~~((governor))~~ secretary shall include three representatives from labor,  
33 three representatives from business representing cross-sections of  
34 industries and all sizes of employers, and three members from the  
35 general public.

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

4 (3) The voting members of the (~~board of directors~~) committee  
5 shall serve with compensation pursuant to RCW 43.03.240 and shall be  
6 reimbursed by the department for travel expenses and per diem under RCW  
7 43.03.050 and 43.03.060, as now or hereafter amended. Legislative  
8 members shall be reimbursed under RCW 44.04.120, as now or hereafter  
9 amended.

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

### 12 Hanford Area Economic Investment Fund Committee

13 **Sec. 52.** RCW 43.31.425 and 1998 c 76 s 2 are each amended to read  
14 as follows:

15 The Hanford area economic investment fund advisory committee is  
16 hereby established to advise the director of the department of  
17 commerce.

18 (1) The committee shall have eleven members. The (~~governor~~)  
19 director of the department of commerce shall appoint the members, in  
20 consultation with Hanford area elected officials, subject to the  
21 following requirements:

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

24 (b) The committee shall have a balanced membership representing one  
25 member each from the elected leadership of Benton county, Franklin  
26 county, the city of Richland, the city of Kennewick, the city of Pasco,  
27 a Hanford area port district, the labor community, and four members  
28 from the Hanford area business and financial community.

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

31 (2) Each member appointed by the (~~governor~~) director of the  
32 department of commerce shall serve a term of three years (~~, except that~~  
33 ~~of the members first appointed, four shall serve two-year terms and~~  
34 ~~four shall serve one-year terms~~). A person appointed to fill a  
35 vacancy of a member shall be appointed in a like manner and shall serve

1 for only the unexpired term. A member is eligible for reappointment.  
2 A member may be removed by the (~~governor~~) director of the department  
3 of commerce for cause.

4 (3) The (~~governor~~) director of the department of commerce shall  
5 designate a member of the committee as its chairperson. The committee  
6 may elect such other officers as it deems appropriate. Six members of  
7 the committee constitute a quorum and six affirmative votes are  
8 necessary for the transaction of business or the exercise of any power  
9 or function of the committee.

10 (4) The members shall serve without compensation, but are entitled  
11 to reimbursement for actual and necessary expenses incurred in the  
12 performance of official duties in accordance with RCW 43.03.050 and  
13 43.03.060.

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

20 **Sec. 53.** RCW 43.31.422 and 2004 c 77 s 1 are each amended to read  
21 as follows:

22 The Hanford area economic investment fund is established in the  
23 custody of the state treasurer. Moneys in the fund shall only be used  
24 for reasonable assistant attorney general costs in support of the  
25 committee or pursuant to the decisions of the committee created in RCW  
26 43.31.425 for Hanford area revolving loan funds, Hanford area  
27 infrastructure projects, or other Hanford area economic development and  
28 diversification projects, but may not be used for government or  
29 nonprofit organization operating expenses. Up to five percent of  
30 moneys in the fund may be used for program administration. For the  
31 purpose of this chapter "Hanford area" means Benton and Franklin  
32 counties. The director of (~~community, — trade, — and — economic~~  
33 ~~development~~) commerce or the director's designee shall authorize  
34 disbursements from the fund (~~(after an affirmative vote of at least six~~  
35 ~~members)~~) with the advice of the committee created in RCW 43.31.425  
36 (~~(on any decisions reached by the committee created in RCW 43.31.425)~~).  
37 The fund is subject to the allotment procedures under chapter 43.88

1 RCW, but no appropriation is required for disbursements. The  
2 legislature intends to establish similar economic investment funds for  
3 areas that develop low-level radioactive waste disposal facilities.

4 **Home Inspector Advisory Licensing Board**

5 **Sec. 54.** RCW 18.280.040 and 2008 c 119 s 4 are each amended to  
6 read as follows:

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

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

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

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

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

27 (3) Members of the board are appointed for three-year terms. Terms  
28 must be staggered so that not more than two appointments are scheduled  
29 to be made in any calendar year. Members hold office until the  
30 expiration of the terms for which they were appointed. The  
31 (~~governor~~) director may remove a board member for just cause. The  
32 (~~governor~~) director may appoint a new member to fill a vacancy on the  
33 board for the remainder of the unexpired term. All board members are  
34 limited to two consecutive terms.

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

4 **Real Estate Appraiser Commission**

5 **Sec. 55.** RCW 18.140.230 and 2005 c 339 s 19 are each amended to  
6 read as follows:

7 There is established the real estate appraiser commission of the  
8 state of Washington, consisting of seven members who shall act to give  
9 advice to the director.

10 (1) The seven commission members shall be appointed by the  
11 (~~governor~~) director in the following manner: For a term of six years  
12 each, with the exception of the first appointees who shall be the  
13 incumbent members of the predecessor real estate appraiser advisory  
14 committee to serve for the duration of their current terms, with all  
15 other subsequent appointees to be appointed for a six-year term.

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

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

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

## 7 **Sentencing Guidelines Commission**

8 NEW SECTION. **Sec. 56.** The following acts or parts of acts are  
9 each repealed:

10 (1) RCW 13.40.005 (Juvenile disposition standards commission--  
11 Abolished--References to commission--Transfer of powers, duties, and  
12 functions) and 1995 c 269 s 301;

13 (2) RCW 9.94A.850 (Sentencing guidelines commission--Established--  
14 Powers and duties) and 2009 c 375 s 8, 2009 c 28 s 17, & 2005 c 282 s  
15 19;

16 (3) RCW 9.94A.863 (Monetary threshold amounts of property crimes--  
17 Review--Report) and 2009 c 431 s 2;

18 (4) RCW 9.94A.8672 (Sex offender policy board--Establishment) and  
19 2008 c 249 s 2;

20 (5) RCW 9.94A.8673 (Sex offender policy board--Membership) and 2008  
21 c 249 s 3;

22 (6) RCW 9.94A.8675 (Sex offender policy board--Authority) and 2008  
23 c 249 s 5; and

24 (7) RCW 72.09.350 (Corrections mental health center--Collaborative  
25 arrangement with University of Washington--Services for mentally ill  
26 offenders--Annual report to the legislature) and 1993 c 459 s 1.

27 **Sec. 57.** RCW 9.94A.860 and 2001 2nd sp.s. c 12 s 311 are each  
28 amended to read as follows:

29 (1) The sentencing guidelines commission is hereby created as  
30 provided in this section. Except as provided in RCW 9.94A.875, the  
31 commission is advisory only and may only advise the governor and the  
32 legislature as deemed necessary by the governor and the legislature.

33 (2) The commission consists of twenty voting members, one of whom  
34 the governor shall designate as chairperson. With the exception of ex

1 officio voting members, the voting members of the commission shall be  
2 appointed by the governor, or his or her designee, subject to  
3 confirmation by the senate.

4 ~~((+2))~~ (3) The voting membership consists of the following:

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

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

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

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

14 (e) Two prosecuting attorneys;

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

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

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

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

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

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

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

26 In making the appointments, the governor shall endeavor to assure  
27 that the commission membership includes adequate representation and  
28 expertise relating to both the adult criminal justice system and the  
29 juvenile justice system. In making the appointments, the governor  
30 shall seek the recommendations of Washington prosecutors in respect to  
31 the prosecuting attorney members, of the Washington state bar  
32 association in respect to the defense attorney members, of the  
33 association of superior court judges in respect to the members who are  
34 judges, of the Washington association of sheriffs and police chiefs in  
35 respect to the member who is a law enforcement officer, of the  
36 Washington state association of counties in respect to the member who  
37 is a county official, of the association of Washington cities in  
38 respect to the member who is a city official, of the office of crime

1 victims advocacy and other organizations of crime victims in respect to  
2 the member who is a victim of crime or a crime victims' advocate, and  
3 of the Washington association of juvenile court administrators in  
4 respect to the member who is an administrator of juvenile court  
5 services.

6 ~~((+3))~~ (4)(a) All voting members of the commission, except ex  
7 officio voting members, shall serve terms of three years and until  
8 their successors are appointed and confirmed.

9 (b) The governor shall stagger the terms of the members appointed  
10 under subsection ~~((+2))~~ (3)(j), (k), and (l) of this section by  
11 appointing one of them for a term of one year, one for a term of two  
12 years, and one for a term of three years.

13 ~~((+4))~~ (5) The speaker of the house of representatives and the  
14 president of the senate may each appoint two nonvoting members to the  
15 commission, one from each of the two largest caucuses in each house.  
16 The members so appointed shall serve two-year terms, or until they  
17 cease to be members of the house from which they were appointed,  
18 whichever occurs first.

19 ~~((+5))~~ (6) The members of the commission ~~((shall))~~ may not be  
20 reimbursed for travel expenses ~~((as provided in RCW 43.03.050 and  
21 43.03.060))~~. Legislative members ~~((shall))~~ may not be reimbursed by  
22 their respective houses ~~((as provided under RCW 44.04.120))~~. Members  
23 ~~((shall be))~~ are not compensated ~~((in accordance with RCW 43.03.250))~~.

24 (7) The commission may meet if a meeting is called by the governor  
25 and the legislature and only for such purposes as determined by the  
26 governor and the legislature.

27 (8) The administrative office of the courts must serve as a  
28 clearinghouse and information center for the collection, preparation,  
29 analysis, and dissemination of information on:

- 30 (a) State and local adult sentencing practices;
- 31 (b) State and local juvenile practices; and
- 32 (c) Juveniles sentenced as adults.

33 **Sec. 58.** RCW 9.94A.480 and 2002 c 290 s 16 are each amended to  
34 read as follows:

35 (1) A current, newly created or reworked judgment and sentence  
36 document for each felony sentencing shall record any and all  
37 recommended sentencing agreements or plea agreements and the sentences



1 for any and all felony crimes kept as public records under RCW  
2 9.94A.475 shall contain the clearly printed name and legal signature of  
3 the sentencing judge. The judgment and sentence document as defined in  
4 this section shall also provide additional space for the sentencing  
5 judge's reasons for going either above or below the presumptive  
6 sentence range for any and all felony crimes covered as public records  
7 under RCW 9.94A.475. Both the sentencing judge and the prosecuting  
8 attorney's office shall each retain or receive a completed copy of each  
9 sentencing document as defined in this section for their own records.

10 (2) The (~~sentencing guidelines commission shall~~) administrative  
11 office of the courts must be sent a completed copy of the judgment and  
12 sentence document upon conviction for each felony sentencing under  
13 subsection (1) of this section and shall compile a yearly and  
14 cumulative judicial record of each sentencing judge in regards to his  
15 or her sentencing practices for any and all felony crimes involving:

16 (a) Any violent offense as defined in this chapter;

17 (b) Any most serious offense as defined in this chapter;

18 (c) Any felony with any deadly weapon special verdict under RCW  
19 9.94A.602;

20 (d) Any felony with any deadly weapon enhancements under RCW  
21 9.94A.533 (3) or (4), or both; and/or

22 (e) The felony crimes of possession of a machine gun, possessing a  
23 stolen firearm, drive-by shooting, theft of a firearm, unlawful  
24 possession of a firearm in the first or second degree, and/or use of a  
25 machine gun in a felony.

26 (3) The (~~sentencing guidelines commission shall~~) administrative  
27 office of the courts must compare each individual judge's sentencing  
28 practices to the standard or presumptive sentence range for any and all  
29 felony crimes listed in subsection (2) of this section for the  
30 appropriate offense level as defined in RCW 9.94A.515 or 9.94A.518,  
31 offender score as defined in RCW 9.94A.525, and any applicable deadly  
32 weapon enhancements as defined in RCW 9.94A.533 (3) or (4), or both.  
33 These comparative records shall be retained and made available to the  
34 public for review in a current, newly created or reworked official  
35 published document by the (~~sentencing guidelines commission~~)  
36 administrative office of the courts.

37 (4) Any and all felony sentences which are either above or below  
38 the standard or presumptive sentence range in subsection (3) of this

1 section shall also mark whether the prosecuting attorney in the case  
2 also recommended a similar sentence, if any, which was either above or  
3 below the presumptive sentence range and shall also indicate if the  
4 sentence was in conjunction with an approved alternative sentencing  
5 option including a first-time offender waiver, sex offender sentencing  
6 alternative, or other prescribed sentencing option.

7 (5) If any completed judgment and sentence document as defined in  
8 subsection (1) of this section is not sent to the (~~sentencing~~  
9 ~~guidelines commission~~) administrative office of the courts as required  
10 in subsection (2) of this section, the (~~sentencing guidelines~~  
11 ~~commission shall have~~) administrative office of the courts has the  
12 authority and (~~shall~~) must undertake reasonable and necessary steps  
13 to assure that all past, current, and future sentencing documents as  
14 defined in subsection (1) of this section are received by the  
15 (~~sentencing guidelines commission~~) administrative office of the  
16 courts.

17 **Sec. 59.** RCW 13.50.010 and 2010 c 150 s 3 are each amended to read  
18 as follows:

19 (1) For purposes of this chapter:

20 (a) "Juvenile justice or care agency" means any of the following:  
21 Police, diversion units, court, prosecuting attorney, defense attorney,  
22 detention center, attorney general, the legislative children's  
23 oversight committee, the office of the family and children's ombudsman,  
24 the department of social and health services and its contracting  
25 agencies, schools; persons or public or private agencies having  
26 children committed to their custody; and any placement oversight  
27 committee created under RCW 72.05.415;

28 (b) "Official juvenile court file" means the legal file of the  
29 juvenile court containing the petition or information, motions,  
30 memorandums, briefs, findings of the court, and court orders;

31 (c) "Records" means the official juvenile court file, the social  
32 file, and records of any other juvenile justice or care agency in the  
33 case;

34 (d) "Social file" means the juvenile court file containing the  
35 records and reports of the probation counselor.

36 (2) Each petition or information filed with the court may include

1 only one juvenile and each petition or information shall be filed under  
2 a separate docket number. The social file shall be filed separately  
3 from the official juvenile court file.

4 (3) It is the duty of any juvenile justice or care agency to  
5 maintain accurate records. To this end:

6 (a) The agency may never knowingly record inaccurate information.  
7 Any information in records maintained by the department of social and  
8 health services relating to a petition filed pursuant to chapter 13.34  
9 RCW that is found by the court to be false or inaccurate shall be  
10 corrected or expunged from such records by the agency;

11 (b) An agency shall take reasonable steps to assure the security of  
12 its records and prevent tampering with them; and

13 (c) An agency shall make reasonable efforts to insure the  
14 completeness of its records, including action taken by other agencies  
15 with respect to matters in its files.

16 (4) Each juvenile justice or care agency shall implement procedures  
17 consistent with the provisions of this chapter to facilitate inquiries  
18 concerning records.

19 (5) Any person who has reasonable cause to believe information  
20 concerning that person is included in the records of a juvenile justice  
21 or care agency and who has been denied access to those records by the  
22 agency may make a motion to the court for an order authorizing that  
23 person to inspect the juvenile justice or care agency record concerning  
24 that person. The court shall grant the motion to examine records  
25 unless it finds that in the interests of justice or in the best  
26 interests of the juvenile the records or parts of them should remain  
27 confidential.

28 (6) A juvenile, or his or her parents, or any person who has  
29 reasonable cause to believe information concerning that person is  
30 included in the records of a juvenile justice or care agency may make  
31 a motion to the court challenging the accuracy of any information  
32 concerning the moving party in the record or challenging the continued  
33 possession of the record by the agency. If the court grants the  
34 motion, it shall order the record or information to be corrected or  
35 destroyed.

36 (7) The person making a motion under subsection (5) or (6) of this  
37 section shall give reasonable notice of the motion to all parties to

1 the original action and to any agency whose records will be affected by  
2 the motion.

3 (8) The court may permit inspection of records by, or release of  
4 information to, any clinic, hospital, or agency which has the subject  
5 person under care or treatment. The court may also permit inspection  
6 by or release to individuals or agencies, including juvenile justice  
7 advisory committees of county law and justice councils, engaged in  
8 legitimate research for educational, scientific, or public purposes.  
9 The court shall release to the (~~sentencing guidelines commission~~)  
10 administrative office of the courts records needed for its research and  
11 data-gathering functions (~~under RCW 9.94A.850 and other statutes~~).  
12 Access to records or information for research purposes shall be  
13 permitted only if the anonymity of all persons mentioned in the records  
14 or information will be preserved. Each person granted permission to  
15 inspect juvenile justice or care agency records for research purposes  
16 shall present a notarized statement to the court stating that the names  
17 of juveniles and parents will remain confidential.

18 (9) Juvenile detention facilities shall release records to the  
19 (~~sentencing guidelines commission under RCW 9.94A.850~~) administrative  
20 office of the courts upon request. The commission shall not disclose  
21 the names of any juveniles or parents mentioned in the records without  
22 the named individual's written permission.

23 (10) Requirements in this chapter relating to the court's authority  
24 to compel disclosure shall not apply to the legislative children's  
25 oversight committee or the office of the family and children's  
26 ombudsman.

27 (11) For the purpose of research only, the administrative office of  
28 the courts shall maintain an electronic research copy of all records in  
29 the judicial information system related to juveniles. Access to the  
30 research copy is restricted to the Washington state center for court  
31 research. The Washington state center for court research shall  
32 maintain the confidentiality of all confidential records and shall  
33 preserve the anonymity of all persons identified in the research copy.  
34 The research copy may not be subject to any records retention schedule  
35 and must include records destroyed or removed from the judicial  
36 information system pursuant to RCW 13.50.050 (17) and (18) and  
37 13.50.100(3).

1 (12) The court shall release to the Washington state office of  
2 public defense records needed to implement the agency's oversight,  
3 technical assistance, and other functions as required by RCW 2.70.020.  
4 Access to the records used as a basis for oversight, technical  
5 assistance, or other agency functions is restricted to the Washington  
6 state office of public defense. The Washington state office of public  
7 defense shall maintain the confidentiality of all confidential  
8 information included in the records.

9 **Sec. 60.** RCW 9.94A.74501 and 2001 c 35 s 3 are each amended to  
10 read as follows:

11 (1) The (~~(sentencing guidelines commission shall)~~) department of  
12 corrections must serve as the state council for interstate adult  
13 offender supervision as required under article IV of RCW 9.94A.745, the  
14 interstate compact for adult offender supervision. (~~(To assist the~~  
15 ~~commission in performing its functions as the state council, the~~  
16 ~~department of corrections shall provide staffing and support~~  
17 ~~services.)~~) The (~~(commission)~~) department of corrections may form a  
18 subcommittee, including members representing the legislative, judicial,  
19 and executive branches of state government, and victims' groups (~~(, and~~  
20 ~~the secretary of corrections,)~~) to perform the functions of the state  
21 council. Any such subcommittee shall include representation of both  
22 houses and at least two of the four largest political caucuses in the  
23 legislature.

24 (2) The (~~(commission,)~~) department of corrections or a subcommittee  
25 if formed for that purpose, shall:

26 (a) Review department of corrections operations and procedures  
27 under RCW 9.94A.745, and recommend policies to the compact  
28 administrator, including policies to be pursued in the administrator's  
29 capacity as the state's representative on the interstate commission  
30 created under article III of RCW 9.94A.745; and

31 (b) Report annually to the legislature on interstate supervision  
32 operations and procedures under RCW 9.94A.745, including  
33 recommendations for policy changes (~~(; and~~

34 ~~(c) Not later than December 1, 2004, report to the legislature on~~  
35 ~~the effectiveness of its functioning as the state council under article~~  
36 ~~IV of RCW 9.94A.745, and recommend any legislation it deems~~  
37 ~~appropriate)).~~

1           (3) The ~~((commission, or a subcommittee if formed for that purpose,~~  
2 ~~shall))~~ department of corrections must appoint ~~((one of its members,~~  
3 ~~or))~~ an employee of the ~~((department designated by the secretary))~~  
4 department of corrections, or a subcommittee if formed for that purpose  
5 shall appoint one of its members, to represent the state at meetings of  
6 the interstate commission created under article III of RCW 9.94A.745  
7 when the compact administrator cannot attend.

8           **Sec. 61.** RCW 9.94A.855 and 2005 c 282 s 20 are each amended to  
9 read as follows:

10           The ~~((commission shall))~~ administrative office of the courts must  
11 appoint a research staff of sufficient size and with sufficient  
12 resources to accomplish its duties. The ~~((commission))~~ administrative  
13 office of the courts may request from ~~((the office of financial~~  
14 ~~management, the indeterminate sentence review board, the administrative~~  
15 ~~office of the courts,))~~ the department of corrections~~((,))~~ and the  
16 department of social and health services such data, information, and  
17 data processing assistance as it may need to accomplish its duties, and  
18 such services shall be provided without cost to the ~~((commission))~~  
19 administrative office of the courts. ~~((The commission shall adopt its~~  
20 ~~own bylaws.~~

21           ~~The salary for a full-time executive officer, if any, shall be~~  
22 ~~fixed by the governor pursuant to RCW 43.03.040.)~~

23           **Sec. 62.** RCW 9A.52.025 and 1989 2nd ex.s. c 1 s 1 are each amended  
24 to read as follows:

25           (1) A person is guilty of residential burglary if, with intent to  
26 commit a crime against a person or property therein, the person enters  
27 or remains unlawfully in a dwelling other than a vehicle.

28           (2) Residential burglary is a class B felony. In establishing  
29 sentencing guidelines and disposition standards, ~~((the sentencing~~  
30 ~~guidelines commission and the juvenile disposition standards commission~~  
31 ~~shall consider))~~ residential burglary ~~((as))~~ is to be considered a more  
32 serious offense than second degree burglary.

33           **Sec. 63.** RCW 10.98.140 and 1987 c 462 s 4 are each amended to read  
34 as follows:

35           (1) The section, the department, and the office of financial

1 management shall be the primary sources of information for criminal  
2 justice forecasting. The information maintained by these agencies  
3 shall be complete, accurate, and sufficiently timely to support state  
4 criminal justice forecasting.

5 (2) The office of financial management shall be the official state  
6 agency for the sentenced felon jail forecast. This forecast shall  
7 provide at least a six-year projection and shall be published by  
8 December 1 of every even-numbered year beginning with 1986. The office  
9 of financial management shall seek advice regarding the assumptions in  
10 the forecast from criminal justice agencies and associations.

11 (3) The (~~sentencing guidelines commission shall~~) administrative  
12 office of the courts must keep records on all sentencings above or  
13 below the standard range defined by chapter 9.94A RCW. As a minimum,  
14 the records shall include the name of the offender, the crimes for  
15 which the offender was sentenced, the name and county of the sentencing  
16 judge, and the deviation from the standard range. Such records shall  
17 be made available to public officials upon request.

18 **Sec. 64.** RCW 10.98.160 and 2005 c 282 s 25 are each amended to  
19 read as follows:

20 In the development and modification of the procedures, definitions,  
21 and reporting capabilities of the section, the department, the office  
22 of financial management, and the responsible agencies and persons shall  
23 consider the needs of other criminal justice agencies such as the  
24 administrative office of the courts, local law enforcement agencies,  
25 local jails, (~~the — sentencing — guidelines — commission,~~) the  
26 indeterminate sentence review board, the clemency board, prosecuting  
27 attorneys, and affected state agencies such as the office of financial  
28 management and legislative committees dealing with criminal justice  
29 issues. The Washington integrated justice information board shall  
30 review and provide recommendations to state justice agencies and the  
31 courts for development and modification of the statewide justice  
32 information network.

33 **Sec. 65.** RCW 72.66.016 and 1983 c 255 s 8 are each amended to read  
34 as follows:

35 (1) A furlough shall not be granted to a resident if the furlough

1 would commence prior to the time the resident has served the minimum  
2 amounts of time provided under this section:

3 (a) If his or her minimum term of imprisonment is longer than  
4 twelve months, he or she shall have served at least six months of the  
5 term;

6 (b) If his or her minimum term of imprisonment is less than twelve  
7 months, he or she shall have served at least ninety days and shall have  
8 no longer than six months left to serve on his or her minimum term;

9 (c) If he or she is serving a mandatory minimum term of  
10 confinement, he or she shall have served all but the last six months of  
11 such term.

12 (2) A person convicted and sentenced for a violent offense as  
13 defined in RCW 9.94A.030 is not eligible for furlough until the person  
14 has served at least one-half of the minimum term as established by the  
15 (~~board of prison terms and paroles or the sentencing guidelines~~  
16 ~~commission~~) indeterminate sentence review board.

17 **Sec. 66.** RCW 2.56.030 and 2009 c 479 s 2 are each amended to read  
18 as follows:

19 The administrator for the courts shall, under the supervision and  
20 direction of the chief justice:

21 (1) Examine the administrative methods and systems employed in the  
22 offices of the judges, clerks, stenographers, and employees of the  
23 courts and make recommendations, through the chief justice, for the  
24 improvement of the same;

25 (2) Examine the state of the dockets of the courts and determine  
26 the need for assistance by any court;

27 (3) Make recommendations to the chief justice relating to the  
28 assignment of judges where courts are in need of assistance and carry  
29 out the direction of the chief justice as to the assignments of judges  
30 to counties and districts where the courts are in need of assistance;

31 (4) Collect and compile statistical and other data and make reports  
32 of the business transacted by the courts and transmit the same to the  
33 chief justice to the end that proper action may be taken in respect  
34 thereto;

35 (5) Prepare and submit budget estimates of state appropriations  
36 necessary for the maintenance and operation of the judicial system and  
37 make recommendations in respect thereto;



1 (6) Collect statistical and other data and make reports relating to  
2 the expenditure of public moneys, state and local, for the maintenance  
3 and operation of the judicial system and the offices connected  
4 therewith;

5 (7) Obtain reports from clerks of courts in accordance with law or  
6 rules adopted by the supreme court of this state on cases and other  
7 judicial business in which action has been delayed beyond periods of  
8 time specified by law or rules of court and make report thereof to  
9 supreme court of this state;

10 (8) Act as secretary of the judicial conference referred to in RCW  
11 2.56.060;

12 (9) Submit annually, as of February 1st, to the chief justice, a  
13 report of the activities of the administrator's office for the  
14 preceding calendar year including activities related to courthouse  
15 security;

16 (10) Administer programs and standards for the training and  
17 education of judicial personnel;

18 (11) Examine the need for new superior court and district court  
19 judge positions under an objective workload analysis. The results of  
20 the objective workload analysis shall be reviewed by the board for  
21 judicial administration which shall make recommendations to the  
22 legislature. It is the intent of the legislature that an objective  
23 workload analysis become the basis for creating additional district and  
24 superior court positions, and recommendations should address that  
25 objective;

26 (12) Provide staff to the judicial retirement account plan under  
27 chapter 2.14 RCW;

28 (13) Attend to such other matters as may be assigned by the supreme  
29 court of this state;

30 (14) Within available funds, develop a curriculum for a general  
31 understanding of child development, placement, and treatment resources,  
32 as well as specific legal skills and knowledge of relevant statutes  
33 including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules,  
34 interviewing skills, and special needs of the abused or neglected  
35 child. This curriculum shall be completed and made available to all  
36 juvenile court judges, court personnel, and service providers and be  
37 updated yearly to reflect changes in statutes, court rules, or case  
38 law;

1 (15) Develop, in consultation with the entities set forth in RCW  
2 2.56.150(3), a comprehensive statewide curriculum for persons who act  
3 as guardians ad litem under Title 13 or 26 RCW. The curriculum shall  
4 be made available July 1, 2008, and include specialty sections on child  
5 development, child sexual abuse, child physical abuse, child neglect,  
6 domestic violence, clinical and forensic investigative and interviewing  
7 techniques, family reconciliation and mediation services, and relevant  
8 statutory and legal requirements. The curriculum shall be made  
9 available to all superior court judges, court personnel, and all  
10 persons who act as guardians ad litem;

11 (16) Develop a curriculum for a general understanding of crimes of  
12 malicious harassment, as well as specific legal skills and knowledge of  
13 RCW 9A.36.080, relevant cases, court rules, and the special needs of  
14 malicious harassment victims. This curriculum shall be made available  
15 to all superior court and court of appeals judges and to all justices  
16 of the supreme court;

17 (17) Develop, in consultation with the criminal justice training  
18 commission and the commissions established under chapters 43.113,  
19 43.115, and 43.117 RCW, a curriculum for a general understanding of  
20 ethnic and cultural diversity and its implications for working with  
21 youth of color and their families. The curriculum shall be available  
22 to all superior court judges and court commissioners assigned to  
23 juvenile court, and other court personnel. Ethnic and cultural  
24 diversity training shall be provided annually so as to incorporate  
25 cultural sensitivity and awareness into the daily operation of juvenile  
26 courts statewide;

27 (18) Authorize the use of closed circuit television and other  
28 electronic equipment in judicial proceedings. The administrator shall  
29 promulgate necessary standards and procedures and shall provide  
30 technical assistance to courts as required;

31 (19) Develop a Washington family law handbook in accordance with  
32 RCW 2.56.180;

33 (20) Administer state funds for improving the operation of the  
34 courts and provide support for court coordinating councils, under the  
35 direction of the board for judicial administration;

36 (21) Administer the family and juvenile court improvement grant  
37 program;

1 (22)(a) Administer and distribute amounts appropriated under RCW  
2 43.08.250(2) for district court judges' and qualifying elected  
3 municipal court judges' salary contributions. The administrator for  
4 the courts shall develop a distribution formula for these amounts that  
5 does not differentiate between district and elected municipal court  
6 judges.

7 (b) A city qualifies for state contribution of elected municipal  
8 court judges' salaries under (a) of this subsection if:

9 (i) The judge is serving in an elected position;

10 (ii) The city has established by ordinance that a full-time judge  
11 is compensated at a rate equivalent to at least ninety-five percent,  
12 but not more than one hundred percent, of a district court judge salary  
13 or for a part-time judge on a pro rata basis the same equivalent; and

14 (iii) The city has certified to the office of the administrator for  
15 the courts that the conditions in (b)(i) and (ii) of this subsection  
16 have been met;

17 (23) Subject to the availability of funds specifically appropriated  
18 therefor, assist courts in the development and implementation of  
19 language assistance plans required under RCW 2.43.090;

20 (24)(a) Serve as a sentencing clearinghouse and information center  
21 for the collection, preparation, analysis, and dissemination of  
22 information on state and local adult and juvenile sentencing practices;  
23 (b) maintain a computerized adult and juvenile sentencing information  
24 system by individual superior court judge consisting of offender,  
25 offense, history, and sentence information entered from judgment and  
26 sentence forms for all adult felons; and (c) annually publish an adult  
27 sentencing manual, a juvenile disposition manual, and statistical  
28 summaries of adult felony sentencing and juvenile disposition data.

29 **Sec. 67.** RCW 70.96A.350 and 2009 c 479 s 50 and 2009 c 445 s 1 are  
30 each reenacted and amended to read as follows:

31 (1) The criminal justice treatment account is created in the state  
32 treasury. Moneys in the account may be expended solely for: (a)  
33 Substance abuse treatment and treatment support services for offenders  
34 with an addiction or a substance abuse problem that, if not treated,  
35 would result in addiction, against whom charges are filed by a  
36 prosecuting attorney in Washington state; (b) the provision of drug and  
37 alcohol treatment services and treatment support services for

1 nonviolent offenders within a drug court program; (c) the  
2 administrative and overhead costs associated with the operation of a  
3 drug court; and (d) during the 2007-2009 biennium, operation of the  
4 integrated crisis response and intensive case management pilots  
5 contracted with the department of social and health services division  
6 of alcohol and substance abuse. Moneys in the account may be spent  
7 only after appropriation.

8 (2) For purposes of this section:

9 (a) "Treatment" means services that are critical to a participant's  
10 successful completion of his or her substance abuse treatment program,  
11 but does not include the following services: Housing other than that  
12 provided as part of an inpatient substance abuse treatment program,  
13 vocational training, and mental health counseling; and

14 (b) "Treatment support" means transportation to or from inpatient  
15 or outpatient treatment services when no viable alternative exists, and  
16 child care services that are necessary to ensure a participant's  
17 ability to attend outpatient treatment sessions.

18 (3) Revenues to the criminal justice treatment account consist of:  
19 (a) Funds transferred to the account pursuant to this section; and (b)  
20 any other revenues appropriated to or deposited in the account.

21 (4)(a) For the fiscal biennium beginning July 1, 2003, the state  
22 treasurer shall transfer eight million nine hundred fifty thousand  
23 dollars from the general fund into the criminal justice treatment  
24 account, divided into eight equal quarterly payments. For the fiscal  
25 year beginning July 1, 2005, and each subsequent fiscal year, the state  
26 treasurer shall transfer eight million two hundred fifty thousand  
27 dollars from the general fund to the criminal justice treatment  
28 account, divided into four equal quarterly payments. For the fiscal  
29 year beginning July 1, 2006, and each subsequent fiscal year, the  
30 amount transferred shall be increased on an annual basis by the  
31 implicit price deflator as published by the federal bureau of labor  
32 statistics.

33 (b) In each odd-numbered year, the legislature shall appropriate  
34 the amount transferred to the criminal justice treatment account in (a)  
35 of this subsection to the division of alcohol and substance abuse for  
36 the purposes of subsection (5) of this section.

37 (5) Moneys appropriated to the division of alcohol and substance  
38 abuse from the criminal justice treatment account shall be distributed

1 as specified in this subsection. The department shall serve as the  
2 fiscal agent for purposes of distribution. Until July 1, 2004, the  
3 department may not use moneys appropriated from the criminal justice  
4 treatment account for administrative expenses and shall distribute all  
5 amounts appropriated under subsection (4)(b) of this section in  
6 accordance with this subsection. Beginning in July 1, 2004, the  
7 department may retain up to three percent of the amount appropriated  
8 under subsection (4)(b) of this section for its administrative costs.

9 (a) Seventy percent of amounts appropriated to the division from  
10 the account shall be distributed to counties pursuant to the  
11 distribution formula adopted under this section. The division of  
12 alcohol and substance abuse, in consultation with the department of  
13 corrections, (~~the sentencing guidelines commission,~~) the Washington  
14 state association of counties, the Washington state association of drug  
15 court professionals, the superior court judges' association, the  
16 Washington association of prosecuting attorneys, representatives of the  
17 criminal defense bar, representatives of substance abuse treatment  
18 providers, and any other person deemed by the division to be necessary,  
19 shall establish a fair and reasonable methodology for distribution to  
20 counties of moneys in the criminal justice treatment account. County  
21 or regional plans submitted for the expenditure of formula funds must  
22 be approved by the panel established in (b) of this subsection.

23 (b) Thirty percent of the amounts appropriated to the division from  
24 the account shall be distributed as grants for purposes of treating  
25 offenders against whom charges are filed by a county prosecuting  
26 attorney. The division shall appoint a panel of representatives from  
27 the Washington association of prosecuting attorneys, the Washington  
28 association of sheriffs and police chiefs, the superior court judges'  
29 association, the Washington state association of counties, the  
30 Washington defender's association or the Washington association of  
31 criminal defense lawyers, the department of corrections, the Washington  
32 state association of drug court professionals, substance abuse  
33 treatment providers, and the division. The panel shall review county  
34 or regional plans for funding under (a) of this subsection and grants  
35 approved under this subsection. The panel shall attempt to ensure that  
36 treatment as funded by the grants is available to offenders statewide.

37 (6) The county alcohol and drug coordinator, county prosecutor,  
38 county sheriff, county superior court, a substance abuse treatment

1 provider appointed by the county legislative authority, a member of the  
2 criminal defense bar appointed by the county legislative authority,  
3 and, in counties with a drug court, a representative of the drug court  
4 shall jointly submit a plan, approved by the county legislative  
5 authority or authorities, to the panel established in subsection (5)(b)  
6 of this section, for disposition of all the funds provided from the  
7 criminal justice treatment account within that county. The funds shall  
8 be used solely to provide approved alcohol and substance abuse  
9 treatment pursuant to RCW 70.96A.090, treatment support services, and  
10 for the administrative and overhead costs associated with the operation  
11 of a drug court.

12 (a) No more than ten percent of the total moneys received under  
13 subsections (4) and (5) of this section by a county or group of  
14 counties participating in a regional agreement shall be spent on the  
15 administrative and overhead costs associated with the operation of a  
16 drug court.

17 (b) No more than ten percent of the total moneys received under  
18 subsections (4) and (5) of this section by a county or group of  
19 counties participating in a regional agreement shall be spent for  
20 treatment support services.

21 (7) Counties are encouraged to consider regional agreements and  
22 submit regional plans for the efficient delivery of treatment under  
23 this section.

24 (8) Moneys allocated under this section shall be used to  
25 supplement, not supplant, other federal, state, and local funds used  
26 for substance abuse treatment.

27 (9) Counties must meet the criteria established in RCW  
28 2.28.170(3)(b).

29 (10) The authority under this section to use funds from the  
30 criminal justice treatment account for the administrative and overhead  
31 costs associated with the operation of a drug court expires June 30,  
32 2013.

33 **Sec. 68.** RCW 9.95.011 and 2009 c 28 s 21 are each amended to read  
34 as follows:

35 (1) When the court commits a convicted person to the department of  
36 corrections on or after July 1, 1986, for an offense committed before  
37 July 1, 1984, the court shall, at the time of sentencing or revocation

1 of probation, fix the minimum term. The term so fixed shall not exceed  
2 the maximum sentence provided by law for the offense of which the  
3 person is convicted.

4 The court shall attempt to set the minimum term reasonably  
5 consistent with the purposes, standards, and sentencing ranges  
6 (~~adopted under RCW 9.94A.850~~) under chapter 9.94A RCW of the  
7 sentencing reform act, but the court is subject to the same limitations  
8 as those placed on the board under RCW 9.92.090, 9.95.040 (1) through  
9 (4), 9.95.115, 9A.32.040, 9A.44.045, and chapter 69.50 RCW. The  
10 court's minimum term decision is subject to review to the same extent  
11 as a minimum term decision by the parole board before July 1, 1986.

12 Thereafter, the expiration of the minimum term set by the court  
13 minus any time credits earned under RCW 9.95.070 and 9.95.110  
14 constitutes the parole eligibility review date, at which time the board  
15 may consider the convicted person for parole under RCW 9.95.100 and  
16 9.95.110 and chapter 72.04A RCW. Nothing in this section affects the  
17 board's authority to reduce or increase the minimum term, once set by  
18 the court, under RCW 9.95.040, 9.95.052, 9.95.055, 9.95.070, 9.95.080,  
19 9.95.100, 9.95.115, 9.95.125, or 9.95.047.

20 (2)(a) Except as provided in (b) of this subsection, not less than  
21 ninety days prior to the expiration of the minimum term of a person  
22 sentenced under RCW 9.94A.507, for a sex offense committed on or after  
23 September 1, 2001, less any time credits permitted by statute, the  
24 board shall review the person for conditional release to community  
25 custody as provided in RCW 9.95.420. If the board does not release the  
26 person, it shall set a new minimum term not to exceed an additional  
27 five years. The board shall review the person again not less than  
28 ninety days prior to the expiration of the new minimum term.

29 (b) If at the time a person sentenced under RCW 9.94A.507 for a sex  
30 offense committed on or after September 1, 2001, arrives at a  
31 department of corrections facility, the offender's minimum term has  
32 expired or will expire within one hundred twenty days of the offender's  
33 arrival, then no later than one hundred twenty days after the  
34 offender's arrival at a department of corrections facility, but after  
35 the board receives the results from the end of sentence review process  
36 and the recommendations for additional or modified conditions of  
37 community custody from the department, the board shall review the  
38 person for conditional release to community custody as provided in RCW

1 9.95.420. If the board does not release the person, it shall set a new  
2 minimum term not to exceed an additional five years. The board shall  
3 review the person again not less than ninety days prior to the  
4 expiration of the new minimum term.

5 (c) In setting a new minimum term, the board may consider the  
6 length of time necessary for the offender to complete treatment and  
7 programming as well as other factors that relate to the offender's  
8 release under RCW 9.95.420. The board's rules shall permit an offender  
9 to petition for an earlier review if circumstances change or the board  
10 receives new information that would warrant an earlier review.

11 **Sec. 69.** RCW 9.95.009 and 1990 c 3 s 707 are each amended to read  
12 as follows:

13 (1) On July 1, 1986, the board of prison terms and paroles shall be  
14 redesignated as the indeterminate sentence review board. The board's  
15 membership shall be reduced as follows: On July 1, 1986, and on July  
16 1st of each year until 1998, the number of board members shall be  
17 reduced in a manner commensurate with the board's remaining workload as  
18 determined by the office of financial management based upon its  
19 population forecast for the indeterminate sentencing system and in  
20 conjunction with the budget process. To meet the statutory obligations  
21 of the indeterminate sentence review board, the number of board members  
22 shall not be reduced to fewer than three members, although the office  
23 of financial management may designate some or all members as part-time  
24 members and specify the extent to which they shall be less than full-  
25 time members. Any reduction shall take place by the expiration, on  
26 that date, of the term or terms having the least time left to serve.

27 (2) After July 1, 1984, the board shall continue its functions with  
28 respect to persons convicted of crimes committed prior to July 1, 1984,  
29 and committed to the department of corrections. When making decisions  
30 on duration of confinement, including those relating to persons  
31 committed under a mandatory life sentence, and parole release under RCW  
32 9.95.100 and 9.95.110, the board shall consider the purposes,  
33 standards, and sentencing ranges (~~adopted pursuant to RCW 9.94A.850~~)  
34 under chapter 9.94A RCW of the sentencing reform act and the minimum  
35 term recommendations of the sentencing judge and prosecuting attorney,  
36 and shall attempt to make decisions reasonably consistent with those  
37 ranges, standards, purposes, and recommendations: PROVIDED, That the



1 board and its successors shall give adequate written reasons whenever  
2 a minimum term or parole release decision is made which is outside the  
3 sentencing ranges (~~adopted pursuant to RCW 9.94A.850~~) under chapter  
4 9.94A RCW of the sentencing reform act. In making such decisions, the  
5 board and its successors shall consider the different charging and  
6 disposition practices under the indeterminate sentencing system.

7 (3) Notwithstanding the provisions of subsection (2) of this  
8 section, the indeterminate sentence review board shall give public  
9 safety considerations the highest priority when making all  
10 discretionary decisions on the remaining indeterminate population  
11 regarding the ability for parole, parole release, and conditions of  
12 parole.

13 NEW SECTION. **Sec. 70.** The following acts or parts of acts are  
14 each repealed:

15 (1) RCW 43.131.411 (Sex offender policy board--Termination) and  
16 2008 c 249 s 9; and

17 (2) RCW 43.131.412 (Sex offender policy board--Repeal) and 2008 c  
18 249 s 10.

### 19 **Escrow Commission**

20 **Sec. 71.** RCW 18.44.011 and 2010 c 34 s 1 are each reenacted and  
21 amended to read as follows:

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

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

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

31 ~~((+2))~~ (3) "Department" means the department of financial  
32 institutions.

33 ~~((+3))~~ (4) "Designated escrow officer" means any licensed escrow  
34 officer designated by a licensed escrow agent and approved by the

1 director as the licensed escrow officer responsible for supervising  
2 that agent's handling of escrow transactions, management of the agent's  
3 trust account, and supervision of all other licensed escrow officers  
4 employed by the agent.

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

7 ~~((5))~~ (6) "Director of licensing" means the director of the  
8 department of licensing, or his or her duly authorized representative.

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

22 ~~((7))~~ (8) "Escrow agent" means any person engaged in the business  
23 of performing for compensation the duties of the third person referred  
24 to in subsection ~~((6))~~ (7) of this section.

25 ~~((8) "Escrow commission" means the escrow commission of the state  
26 of Washington created by RCW 18.44.500.)~~

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

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

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

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



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

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

9 THEREFORE, in consideration of the above, I,  
10 . . . . ., respectfully request that the director of financial  
11 institutions grant this request for a waiver of the  
12 requirement that I purchase and maintain an errors and  
13 omissions policy covering my activities as an escrow agent  
14 licensed by the state of Washington for the period from  
15 . . . . ., 19 . . . . ., to . . . . ., 19 . . . . .

16 Submitted this day of . . . . day of . . . . ., 19 . . . . .

17 . . . . .

18 (signature)

19 State of Washington, }

20 ss.

21 County of . . . . . }

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

26 Dated . . . . .

27 Signature of

28 Notary Public . . . . .

29 (Seal or stamp)

Title . . . . .

30 My appointment expires . . . . .

31 **Sec. 74.** RCW 18.44.195 and 2010 c 34 s 9 are each amended to read  
32 as follows:

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

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

1       **Sec. 75.** RCW 18.44.510 and 1984 c 287 s 37 are each amended to  
2 read as follows:

3       The (~~escrow—commission~~) committee members shall each be  
4 compensated in accordance with RCW 43.03.240 and shall be reimbursed  
5 for travel expenses as provided for state officials and employees in  
6 RCW 43.03.050 and 43.03.060, when called into session by the director  
7 or when otherwise engaged in the business of the (~~commission~~)  
8 committee.

9       **Sec. 76.** RCW 18.44.500 and 1995 c 238 s 3 are each amended to read  
10 as follows:

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

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

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

4 Members shall be compensated in accordance with RCW 43.03.240, and  
5 shall be reimbursed for their travel expenses incurred in carrying out  
6 the provisions of this chapter in accordance with RCW 43.03.050 and  
7 43.03.060.

## 8 **Livestock Identification Advisory Board**

9 **Sec. 77.** RCW 16.57.015 and 2003 c 326 s 3 are each amended to read  
10 as follows:

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

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

1 (3) The members of the advisory ((~~board~~)) committee serve three-  
2 year terms. However, the director shall by rule provide shorter  
3 initial terms for some of the members of the ((~~board~~)) committee to  
4 stagger the expiration of the initial terms. The members serve without  
5 compensation. The director may authorize the expenses of a member to  
6 be reimbursed if the member is selected to attend a regional or  
7 national conference or meeting regarding livestock identification. Any  
8 such reimbursement shall be in accordance with RCW 43.03.050 and  
9 43.03.060.

10 **Sec. 78.** RCW 16.57.353 and 2004 c 233 s 1 are each amended to read  
11 as follows:

12 (1) The director may adopt rules:

13 (a) To support the agriculture industry in meeting federal  
14 requirements for the country-of-origin labeling of meat. Any  
15 requirements established under this subsection for country of origin  
16 labeling purposes shall be substantially consistent with and shall not  
17 exceed the requirements established by the United States department of  
18 agriculture; and

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

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

26 **Superintendent of Public Instruction**

27 NEW SECTION. **Sec. 79.** A new section is added to chapter 28A.300  
28 RCW to read as follows:

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

1 federal funds by the federal department. The advisory groups shall be  
2 constituted as required by federal law or as the superintendent may  
3 determine.

4 Members of advisory groups under the authority of the  
5 superintendent may be paid their travel expenses in accordance with RCW  
6 43.03.050 and 43.03.060.

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

24 **Quality Education Council**

25 **Sec. 80.** RCW 28A.290.010 and 2010 c 236 s 15 and 2010 c 234 s 4  
26 are each reenacted and amended to read as follows:

27 (1) The quality education council is created to recommend and  
28 inform the ongoing implementation by the legislature of an evolving  
29 program of basic education and the financing necessary to support such  
30 program. The council shall develop strategic recommendations on the  
31 program of basic education for the common schools. The council shall  
32 take into consideration the capacity report produced under RCW  
33 28A.300.172 and the availability of data and progress of implementing  
34 the data systems required under RCW 28A.655.210. Any recommendations  
35 for modifications to the program of basic education shall be based on



1 evidence that the programs effectively support student learning. The  
2 council shall update the statewide strategic recommendations every four  
3 years. The recommendations of the council are intended to:

4 (a) Inform future educational policy and funding decisions of the  
5 legislature and governor;

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

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

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

18 (3) The chair of the council shall be selected from the  
19 councilmembers. The council shall be composed of the following  
20 members:

21 (a) Four members of the house of representatives, with two members  
22 representing each of the major caucuses and appointed by the speaker of  
23 the house of representatives;

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

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

30 (d) One nonlegislative representative from the ((~~achievement~~))  
31 educational opportunity gap oversight and accountability committee  
32 established under RCW 28A.300.136, to be selected by the members of the  
33 committee.

34 ~~((In the 2009 fiscal year, the council shall meet as often as  
35 necessary as determined by the chair. In subsequent years, the council  
36 shall meet no more than four times a year.~~

37 ~~(5))~~(a) The council shall submit an initial report to the governor  
38 and the legislature by January 1, 2010, detailing its recommendations,

1 including recommendations for resolving issues or decisions requiring  
2 legislative action during the 2010 legislative session, and  
3 recommendations for any funding necessary to continue development and  
4 implementation of chapter 548, Laws of 2009.

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

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

8 (ii) Recommendations for a program of early learning for at-risk  
9 children;

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

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

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

25 ~~((+7))~~ (6) The council shall submit a report to the governor and  
26 the legislature by December 1, 2010, that includes:

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

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

36 ~~((+8))~~ (7) The council shall be staffed by the office of the  
37 superintendent of public instruction and the office of financial  
38 management. Additional staff support shall be provided by the state

1 entities with representatives on the council. Senate committee  
2 services and the house of representatives office of program research  
3 may provide additional staff support.

4 ~~((+9))~~ (8) Legislative members of the council shall serve without  
5 additional compensation but may be reimbursed for travel expenses in  
6 accordance with RCW 44.04.120 while attending sessions of the council  
7 or on official business authorized by the council. Nonlegislative  
8 members of the council may be reimbursed for travel expenses in  
9 accordance with RCW 43.03.050 and 43.03.060.

10 **PART II - OTHER PROVISIONS**

11 **Sec. 81.** RCW 43.03.220 and 2010 1st sp.s. c 7 s 142 are each  
12 amended to read as follows:

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

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

22 (3) ~~((Beginning July 1, 2010, through June 30, 2011,))~~ (a) No  
23 person designated as a member of a class one board, commission,  
24 council, committee, or similar group may receive an allowance for  
25 subsistence, lodging, or travel expenses if the allowance cost is  
26 funded by the state general fund. Exceptions may be granted under  
27 section ~~((605, chapter 3, Laws of 2010))~~ 89 of this act. Class one  
28 groups, when feasible, shall use an alternative means of conducting a  
29 meeting that does not require travel while still maximizing member and  
30 public participation and may use a meeting format that requires members  
31 to be physically present at one location only when necessary or  
32 required by law. ~~((Meetings that require a member's physical presence  
33 at one location must be held in state facilities whenever possible, and  
34 meetings conducted using private facilities must be approved by the  
35 director of the office of financial management.~~

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

6       **Sec. 82.** RCW 43.03.230 and 2010 1st sp.s. c 7 s 143 are each  
7 amended to read as follows:

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

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

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

25       (4) ~~((Beginning July 1, 2010, through June 30, 2011,))~~ No person  
26 designated as a member of a class two board, commission, council,  
27 committee, or similar group may receive an allowance for subsistence,  
28 lodging, or travel expenses if the allowance cost is funded by the  
29 state general fund. Exceptions may be granted under section ~~((605,~~  
30 ~~chapter 3, Laws of 2010))~~ 89 of this act. Class two groups, when  
31 feasible, shall use an alternative means of conducting a meeting that  
32 does not require travel while still maximizing member and public  
33 participation and may use a meeting format that requires members to be  
34 physically present at one location only when necessary or required by  
35 law. ~~((Meetings that require a member's physical presence at one~~  
36 ~~location must be held in state facilities whenever possible, and~~

1 ~~meetings conducted using private facilities must be approved by the~~  
2 ~~director of the office of financial management.))~~

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

8 **Sec. 83.** RCW 43.03.240 and 2010 1st sp.s. c 7 s 144 are each  
9 amended to read as follows:

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

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

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

31 (4) (~~Beginning July 1, 2010, through June 30, 2011,~~) No person  
32 designated as a member of a class three board, commission, council,  
33 committee, or similar group may receive an allowance for subsistence,  
34 lodging, or travel expenses if the allowance cost is funded by the  
35 state general fund. Exceptions may be granted under section (~~605,~~  
36 ~~chapter 3, Laws of 2010~~) 89 of this act. Class three groups, when  
37 feasible, shall use an alternative means of conducting a meeting that

1 does not require travel while still maximizing member and public  
2 participation and may use a meeting format that requires members to be  
3 physically present at one location only when necessary or required by  
4 law. (~~Meetings that require a member's physical presence at one~~  
5 ~~location must be held in state facilities whenever possible, and~~  
6 ~~meetings conducted using private facilities must be approved by the~~  
7 ~~director of the office of financial management.~~)

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

13 **Sec. 84.** RCW 43.03.250 and 2010 1st sp.s. c 7 s 145 are each  
14 amended to read as follows:

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

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

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

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

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

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

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

14 **Sec. 85.** RCW 43.03.265 and 2010 1st sp.s. c 7 s 146 are each  
15 amended to read as follows:

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

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

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

35 (4) (~~Beginning July 1, 2010, through June 30, 2011,~~) No person  
36 designated as a member of a class five 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~~) 89 of this act. Class five 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 five  
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 NEW SECTION. Sec. 86. A new section is added to chapter 39.29 RCW  
18 to read as follows:

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

25 Sec. 87. RCW 43.03.050 and 2010 1st sp.s. c 7 s 141 are each  
26 amended to read as follows:

27 (1) The director of financial management shall prescribe reasonable  
28 allowances to cover reasonable and necessary subsistence and lodging  
29 expenses for elective and appointive officials and state employees  
30 while engaged on official business away from their designated posts of  
31 duty. The director of financial management may prescribe and regulate  
32 the allowances provided in lieu of subsistence and lodging expenses and  
33 may prescribe the conditions under which reimbursement for subsistence  
34 and lodging may be allowed. The schedule of allowances adopted by the  
35 office of financial management may include special allowances for  
36 foreign travel and other travel involving higher than usual costs for



1 subsistence and lodging. The allowances established by the director  
2 shall not exceed the rates set by the federal government for federal  
3 employees. However, during the 2003-05 fiscal biennium, the allowances  
4 for any county that is part of a metropolitan statistical area, the  
5 largest city of which is in another state, shall equal the allowances  
6 prescribed for that larger city.

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

12 (3) The director of financial management may prescribe reasonable  
13 allowances to cover reasonable expenses for meals, coffee, and light  
14 refreshment served to elective and appointive officials and state  
15 employees regardless of travel status at a meeting where: (a) The  
16 purpose of the meeting is to conduct official state business or to  
17 provide formal training to state employees or state officials; (b) the  
18 meals, coffee, or light refreshment are an integral part of the meeting  
19 or training session; (c) the meeting or training session takes place  
20 away from the employee's or official's regular workplace; and (d) the  
21 agency head or authorized designee approves payments in advance for the  
22 meals, coffee, or light refreshment. In order to prevent abuse, the  
23 director may regulate such allowances and prescribe additional  
24 conditions for claiming the allowances.

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

32 (5) The schedule of allowances prescribed by the director under the  
33 terms of this section and any subsequent increases in any maximum  
34 allowance or special allowances for areas of higher than usual costs  
35 shall be reported to the ways and means committees of the house of  
36 representatives and the senate at each regular session of the  
37 legislature.

1           (6) (~~Beginning July 1, 2010, through June 30, 2011,~~) No person  
2 designated as a member of a class one through class three or class five  
3 board, commission, council, committee, or similar group may receive an  
4 allowance for subsistence, lodging, or travel expenses if the allowance  
5 cost is funded by the state general fund. Exceptions may be granted  
6 under section (~~605, chapter 3, Laws of 2010~~) 89 of this act.

7           **Sec. 88.** RCW 43.03.060 and 1990 c 30 s 2 are each amended to read  
8 as follows:

9           (1) Whenever it becomes necessary for elective or appointive  
10 officials or employees of the state to travel away from their  
11 designated posts of duty while engaged on official business, and it is  
12 found to be more advantageous or economical to the state that travel be  
13 by a privately-owned vehicle rather than a common carrier or a state-  
14 owned or operated vehicle, a mileage rate established by the director  
15 of financial management shall be allowed. The mileage rate established  
16 by the director shall not exceed any rate set by the United States  
17 treasury department above which the substantiation requirements  
18 specified in Treasury Department Regulations section 1.274-5T(a)(1), as  
19 now law or hereafter amended, will apply.

20           (2) The director of financial management may prescribe and regulate  
21 the specific mileage rate or other allowance for the use of privately-  
22 owned vehicles or common carriers on official business and the  
23 conditions under which reimbursement of transportation costs may be  
24 allowed. The reimbursement or other payment for transportation  
25 expenses of any employee or appointive official of the state shall be  
26 based on the method deemed most advantageous or economical to the  
27 state.

28           (3) The mileage rate established by the director of financial  
29 management pursuant to this section and any subsequent changes thereto  
30 shall be reported to the ways and means committees of the house of  
31 representatives and the senate at each regular session of the  
32 legislature.

33           (4) No person designated as a member of a class one through class  
34 three or class five board, commission, council, committee, or similar  
35 group may receive an allowance for subsistence, lodging, or travel  
36 expenses if the allowance cost is funded by the state general fund.  
37 Exceptions may be granted under section 89 of this act.



1 carrying out the powers, functions, and duties transferred shall, on  
2 the effective date of this section, be transferred and credited to the  
3 public disclosure and ethics commission.

4 (c) Whenever any question arises as to the transfer of any funds,  
5 books, documents, records, papers, files, equipment, or other tangible  
6 property used or held in the exercise of the powers and the performance  
7 of the duties and functions transferred, the director of financial  
8 management shall make a determination as to the proper allocation and  
9 certify the same to the state agencies concerned.

10 (3) All rules and all pending business before the executive ethics  
11 board pertaining to the powers, functions, and duties transferred shall  
12 be continued and acted upon by the public disclosure and ethics  
13 commission. All existing contracts and obligations shall remain in  
14 full force and shall be performed by the public disclosure and ethics  
15 commission.

16 (4) The transfer of the powers, duties, and functions of the  
17 executive ethics board shall not affect the validity of any act  
18 performed before the effective date of this section.

19 (5) If apportionments of budgeted funds are required because of the  
20 transfers directed by this section, the director of financial  
21 management shall certify the apportionments to the agencies affected,  
22 the state auditor, and the state treasurer. Each of these shall make  
23 the appropriate transfer and adjustments in funds and appropriation  
24 accounts and equipment records in accordance with the certification.

25 **Sec. 91.** RCW 42.52.010 and 2005 c 106 s 1 are each amended to read  
26 as follows:

27 Unless the context clearly requires otherwise, the definitions in  
28 this section apply throughout this chapter.

29 (1) "Agency" means any state board, commission, bureau, committee,  
30 department, institution, division, or tribunal in the legislative,  
31 executive, or judicial branch of state government. "Agency" includes  
32 all elective offices, the state legislature, those institutions of  
33 higher education created and supported by the state government, and  
34 those courts that are parts of state government.

35 (2) "Head of agency" means the chief executive officer of an  
36 agency. In the case of an agency headed by a commission, board,

1 committee, or other body consisting of more than one natural person,  
2 agency head means the person or board authorized to appoint agency  
3 employees and regulate their conduct.

4 (3) "Assist" means to act, or offer or agree to act, in such a way  
5 as to help, aid, advise, furnish information to, or otherwise provide  
6 assistance to another person, believing that the action is of help,  
7 aid, advice, or assistance to the person and with intent so to assist  
8 such person.

9 (4) "Beneficial interest" has the meaning ascribed to it under the  
10 Washington case law. However, an ownership interest in a mutual fund  
11 or similar investment pooling fund in which the owner has no management  
12 powers does not constitute a beneficial interest in the entities in  
13 which the fund or pool invests.

14 (5) "Commission" means the public disclosure and ethics commission  
15 created in RCW 42.17A.100.

16 (6) "Compensation" means anything of economic value, however  
17 designated, that is paid, loaned, granted, or transferred, or to be  
18 paid, loaned, granted, or transferred for, or in consideration of,  
19 personal services to any person.

20 ((+6)) (7) "Confidential information" means (a) specific  
21 information, rather than generalized knowledge, that is not available  
22 to the general public on request or (b) information made confidential  
23 by law.

24 ((+7)) (8) "Contract" or "grant" means an agreement between two or  
25 more persons that creates an obligation to do or not to do a particular  
26 thing. "Contract" or "grant" includes, but is not limited to, an  
27 employment contract, a lease, a license, a purchase agreement, or a  
28 sales agreement.

29 ((+8)) (9) "Ethics boards" means the commission on judicial  
30 conduct, the legislative ethics board, and the ~~((executive—ethics~~  
31 ~~board))~~ commission.

32 ((+9)) (10) "Family" has the same meaning as "immediate family" in  
33 RCW 42.17.020.

34 ((+10)) (11) "Gift" means anything of economic value for which no  
35 consideration is given. "Gift" does not include:

36 (a) Items from family members or friends where it is clear beyond  
37 a reasonable doubt that the gift was not made as part of any design to

1 gain or maintain influence in the agency of which the recipient is an  
2 officer or employee;

3 (b) Items related to the outside business of the recipient that are  
4 customary and not related to the recipient's performance of official  
5 duties;

6 (c) Items exchanged among officials and employees or a social event  
7 hosted or sponsored by a state officer or state employee for coworkers;

8 (d) Payments by a governmental or nongovernmental entity of  
9 reasonable expenses incurred in connection with a speech, presentation,  
10 appearance, or trade mission made in an official capacity. As used in  
11 this subsection, "reasonable expenses" are limited to travel, lodging,  
12 and subsistence expenses incurred the day before through the day after  
13 the event;

14 (e) Items a state officer or state employee is authorized by law to  
15 accept;

16 (f) Payment of enrollment and course fees and reasonable travel  
17 expenses attributable to attending seminars and educational programs  
18 sponsored by a bona fide governmental or nonprofit professional,  
19 educational, trade, or charitable association or institution. As used  
20 in this subsection, "reasonable expenses" are limited to travel,  
21 lodging, and subsistence expenses incurred the day before through the  
22 day after the event;

23 (g) Items returned by the recipient to the donor within thirty days  
24 of receipt or donated to a charitable organization within thirty days  
25 of receipt;

26 (h) Campaign contributions reported under chapter 42.17 RCW;

27 (i) Discounts available to an individual as a member of an employee  
28 group, occupation, or similar broad-based group; and

29 (j) Awards, prizes, scholarships, or other items provided in  
30 recognition of academic or scientific achievement.

31 ~~((+11+))~~ (12) "Honorarium" means money or thing of value offered to  
32 a state officer or state employee for a speech, appearance, article, or  
33 similar item or activity in connection with the state officer's or  
34 state employee's official role.

35 ~~((+12+))~~ (13) "Official duty" means those duties within the  
36 specific scope of employment of the state officer or state employee as  
37 defined by the officer's or employee's agency or by statute or the  
38 state Constitution.

1        (~~(13)~~) (14) "Participate" means to participate in state action or  
2 a proceeding personally and substantially as a state officer or state  
3 employee, through approval, disapproval, decision, recommendation, the  
4 rendering of advice, investigation, or otherwise but does not include  
5 preparation, consideration, or enactment of legislation or the  
6 performance of legislative duties.

7        (~~(14)~~) (15) "Person" means any individual, partnership,  
8 association, corporation, firm, institution, or other entity, whether  
9 or not operated for profit.

10       (~~(15)~~) (16) "Regulatory agency" means any state board,  
11 commission, department, or officer, except those in the legislative or  
12 judicial branches, authorized by law to conduct adjudicative  
13 proceedings, issue permits or licenses, or to control or affect  
14 interests of identified persons.

15       (~~(16)~~) (17) "Responsibility" in connection with a transaction  
16 involving the state, means the direct administrative or operating  
17 authority, whether intermediate or final, and either exercisable alone  
18 or through subordinates, effectively to approve, disapprove, or  
19 otherwise direct state action in respect of such transaction.

20       (~~(17)~~) (18) "State action" means any action on the part of an  
21 agency, including, but not limited to:

- 22       (a) A decision, determination, finding, ruling, or order; and
- 23       (b) A grant, payment, award, license, contract, transaction,  
24 sanction, or approval, or the denial thereof, or failure to act with  
25 respect to a decision, determination, finding, ruling, or order.

26       (~~(18)~~) (19) "State officer" means every person holding a position  
27 of public trust in or under an executive, legislative, or judicial  
28 office of the state. "State officer" includes judges of the superior  
29 court, judges of the court of appeals, justices of the supreme court,  
30 members of the legislature together with the secretary of the senate  
31 and the chief clerk of the house of representatives, holders of  
32 elective offices in the executive branch of state government, chief  
33 executive officers of state agencies, members of boards, commissions,  
34 or committees with authority over one or more state agencies or  
35 institutions, and employees of the state who are engaged in  
36 supervisory, policy-making, or policy-enforcing work. For the purposes  
37 of this chapter, "state officer" also includes any person exercising or  
38 undertaking to exercise the powers or functions of a state officer.

1       (~~(19)~~) (20) "State employee" means an individual who is employed  
2 by an agency in any branch of state government. For purposes of this  
3 chapter, employees of the superior courts are not state officers or  
4 state employees.

5       (~~(20)~~) (21) "University" includes "state universities" and  
6 "regional universities" as defined in RCW 28B.10.016 and also includes  
7 any research or technology institute affiliated with a university,  
8 including without limitation, the Spokane Intercollegiate Research and  
9 Technology Institute and the Washington Technology Center.

10       (~~(21)~~) (22) "University research employee" means a state officer  
11 or state employee employed by a university, but only to the extent the  
12 state officer or state employee is engaged in research, technology  
13 transfer, approved consulting activities related to research and  
14 technology transfer, or other incidental activities.

15       (~~(22)~~) (23) "Thing of economic value," in addition to its  
16 ordinary meaning, includes:

17       (a) A loan, property interest, interest in a contract or other  
18 chose in action, and employment or another arrangement involving a  
19 right to compensation;

20       (b) An option, irrespective of the conditions to the exercise of  
21 the option; and

22       (c) A promise or undertaking for the present or future delivery or  
23 procurement.

24       (~~(23)~~) (24)(a) "Transaction involving the state" means a  
25 proceeding, application, submission, request for a ruling or other  
26 determination, contract, claim, case, or other similar matter that the  
27 state officer, state employee, or former state officer or state  
28 employee in question believes, or has reason to believe:

29       (i) Is, or will be, the subject of state action; or

30       (ii) Is one to which the state is or will be a party; or

31       (iii) Is one in which the state has a direct and substantial  
32 proprietary interest.

33       (b) "Transaction involving the state" does not include the  
34 following: Preparation, consideration, or enactment of legislation,  
35 including appropriation of moneys in a budget, or the performance of  
36 legislative duties by an officer or employee; or a claim, case,  
37 lawsuit, or similar matter if the officer or employee did not



1 participate in the underlying transaction involving the state that is  
2 the basis for the claim, case, or lawsuit.

3 **Sec. 92.** RCW 42.52.220 and 2005 c 106 s 4 are each amended to read  
4 as follows:

5 (1) Consistent with the state policy to encourage basic and applied  
6 scientific research by the state's research universities as stated in  
7 RCW 28B.140.005, each university may develop, adopt, and implement one  
8 or more written administrative processes that shall, upon approval by  
9 the governor, apply in place of the obligations imposed on universities  
10 and university research employees under RCW 42.52.030, 42.52.040,  
11 42.52.080, 42.52.110, 42.52.120, 42.52.130, 42.52.140, 42.52.150, and  
12 42.52.160. The universities shall coordinate on the development of  
13 administrative processes to ensure the processes are comparable. A  
14 university research employee in compliance with the processes  
15 authorized in this section shall be deemed to be in compliance with RCW  
16 42.52.030, 42.52.040, 42.52.080, 42.52.110, 42.52.120, 42.52.130,  
17 42.52.140, 42.52.150, and 42.52.160.

18 (2) The ((~~executive ethics board~~)) commission shall enforce  
19 activity subject to the written approval processes under this section,  
20 as provided in RCW 42.52.360.

21 **Sec. 93.** RCW 42.52.360 and 2005 c 106 s 5 are each amended to read  
22 as follows:

23 (1) The ((~~executive ethics board~~)) commission shall enforce this  
24 chapter and rules adopted under it with respect to statewide elected  
25 officers and all other officers and employees in the executive branch,  
26 boards and commissions, and institutions of higher education.

27 (2) The ((~~executive ethics board~~)) commission shall enforce this  
28 chapter with regard to the activities of university research employees  
29 as provided in this subsection.

30 (a) With respect to compliance with RCW 42.52.030, 42.52.110,  
31 42.52.130, 42.52.140, and 42.52.150, the administrative process shall  
32 be consistent with and adhere to no less than the current standards in  
33 regulations of the United States public health service and the office  
34 of the secretary of the department of health and human services in  
35 Title 42 C.F.R. Part 50, Subpart F relating to promotion of objectivity  
36 in research.

1 (b) With respect to compliance with RCW 42.52.040, 42.52.080, and  
2 42.52.120, the administrative process shall include a comprehensive  
3 system for the disclosure, review, and approval of outside work  
4 activities by university research employees while assuring that such  
5 employees are fulfilling their employment obligations to the  
6 university.

7 (c) With respect to compliance with RCW 42.52.160, the  
8 administrative process shall include a reasonable determination by the  
9 university of acceptable private uses having de minimis costs to the  
10 university and a method for establishing fair and reasonable  
11 reimbursement charges for private uses the costs of which are in excess  
12 of de minimis.

13 (3) The (~~executive ethics board~~) commission shall:

14 (a) Develop educational materials and training;

15 (b) Adopt rules and policies governing the conduct of business by  
16 the board, and adopt rules defining working hours for purposes of RCW  
17 42.52.180 and where otherwise authorized under chapter 154, Laws of  
18 1994;

19 (c) Issue advisory opinions;

20 (d) Investigate, hear, and determine complaints by any person or on  
21 its own motion;

22 (e) Impose sanctions including reprimands and monetary penalties;

23 (f) Recommend to the appropriate authorities suspension, removal  
24 from position, prosecution, or other appropriate remedy; and

25 (g) Establish criteria regarding the levels of civil penalties  
26 appropriate for violations of this chapter and rules adopted under it.

27 (4) The (~~board~~) commission may:

28 (a) Issue subpoenas for the attendance and testimony of witnesses  
29 and the production of documentary evidence relating to any matter under  
30 examination by the (~~board~~) commission or involved in any hearing;

31 (b) Administer oaths and affirmations;

32 (c) Examine witnesses; and

33 (d) Receive evidence.

34 (5) Except as provided in RCW 42.52.220, the (~~executive ethics  
35 board~~) commission may review and approve agency policies as provided  
36 for in this chapter.

37 (6) This section does not apply to state officers and state  
38 employees of the judicial branch.

1       **Sec. 94.** RCW 42.52.550 and 1994 c 154 s 227 are each amended to  
2 read as follows:

3       The citizen members of the legislative ethics board (~~and the~~  
4 ~~members of the executive ethics board~~) shall be compensated as  
5 provided in RCW 43.03.250 and reimbursed for travel expenses as  
6 provided in RCW 43.03.050 and 43.03.060. Legislator members of the  
7 legislative ethics board shall be reimbursed as provided in RCW  
8 44.04.120.

9       **Sec. 95.** RCW 42.52.570 and 2008 c 247 s 1 are each amended to read  
10 as follows:

11       (1) The department of fish and wildlife and the parks and  
12 recreation commission may approve private business activity in state-  
13 owned housing provided under Title 77 RCW or chapter 79A.05 RCW.

14       (2) Prior to granting approval of private business activity in  
15 state-owned housing, the department of fish and wildlife and the parks  
16 and recreation commission must adopt a private business activity policy  
17 that is approved by the (~~executive ethics board~~) commission.

18       (a) The private business activity policy may only authorize private  
19 business activity by the resident state employee while the employee is  
20 off duty or the employee's spouse who is approved for residency in the  
21 agency housing or the employee's children.

22       (b) The private business activity policy may not allow private  
23 business activity that negatively impacts the agency's operations. For  
24 the purposes of this section, "negatively impacts" includes but is not  
25 limited to: (i) Negative impacts to visitors' services or access; (ii)  
26 in-person visits to state-owned housing for the purpose of transacting  
27 business that negatively impacts agency operations; (iii) the  
28 incurrence of additional expenses by the state; (iv) the use of signage  
29 in the state-owned residence; (v) advertising on state-owned property;  
30 or (vi) an appearance of state endorsement of the private business  
31 activity.

32       (3) The private business activity must comply with all other local,  
33 state, and federal laws.

34       (4) All approvals of a private business activity in state-owned  
35 housing must be by the agency director or designee in writing.

36       (5) A state employee is presumed not to be in violation of RCW

1 42.52.070 or 42.52.160 if the employee or the employee's spouse or  
2 child complies with this section.

3 **Sec. 96.** RCW 9.95.003 and 2007 c 362 s 1 are each amended to read  
4 as follows:

5 The board shall consist of a chairman and four other members, each  
6 of whom shall be appointed by the governor with the consent of the  
7 senate. Each member shall hold office for a term of five years, and  
8 until his or her successor is appointed and qualified. The terms shall  
9 expire on April 15th of the expiration year. Vacancies in the  
10 membership of the board shall be filled by appointment by the governor  
11 with the consent of the senate. In the event of the inability of any  
12 member to act, the governor shall appoint some competent person to act  
13 in his stead during the continuance of such inability. The members  
14 shall not be removable during their respective terms except for cause  
15 determined by the superior court of Thurston county. The governor in  
16 appointing the members shall designate one of them to serve as chairman  
17 at the governor's pleasure. The appointed chairman shall serve as a  
18 fully participating board member and as the director of the agency.

19 The members of the board and its officers and employees shall not  
20 engage in any other business or profession or hold any other public  
21 office without the prior approval of the (~~executive ethics board~~)  
22 public disclosure and ethics commission indicating compliance with RCW  
23 42.52.020, 42.52.030, 42.52.040 and 42.52.120; nor shall they, at the  
24 time of appointment or employment or during their incumbency, serve as  
25 the representative of any political party on an executive committee or  
26 other governing body thereof, or as an executive officer or employee of  
27 any political committee or association. The members of the board shall  
28 each severally receive salaries fixed by the governor in accordance  
29 with the provisions of RCW 43.03.040, and in addition shall receive  
30 travel expenses incurred in the discharge of their official duties in  
31 accordance with RCW 43.03.050 and 43.03.060.

32 The board may employ, and fix, with the approval of the governor,  
33 the compensation of and prescribe the duties of a senior administrative  
34 officer and such officers, employees, and assistants as may be  
35 necessary, and provide necessary quarters, supplies, and equipment.

1       **Sec. 97.** RCW 42.40.020 and 2008 c 266 s 2 are each amended to read  
2 as follows:

3       As used in this chapter, the terms defined in this section shall  
4 have the meanings indicated unless the context clearly requires  
5 otherwise.

6       (1) "Auditor" means the office of the state auditor.

7       (2) "Employee" means any individual employed or holding office in  
8 any department or agency of state government.

9       (3) "Good faith" means the individual providing the information or  
10 report of improper governmental activity has a reasonable basis in fact  
11 for reporting or providing the information. An individual who  
12 knowingly provides or reports, or who reasonably ought to know he or  
13 she is providing or reporting, malicious, false, or frivolous  
14 information, or information that is provided with reckless disregard  
15 for the truth, or who knowingly omits relevant information is not  
16 acting in good faith.

17       (4) "Gross mismanagement" means the exercise of management  
18 responsibilities in a manner grossly deviating from the standard of  
19 care or competence that a reasonable person would observe in the same  
20 situation.

21       (5) "Gross waste of funds" means to spend or use funds or to allow  
22 funds to be used without valuable result in a manner grossly deviating  
23 from the standard of care or competence that a reasonable person would  
24 observe in the same situation.

25       (6)(a) "Improper governmental action" means any action by an  
26 employee undertaken in the performance of the employee's official  
27 duties:

28       (i) Which is a gross waste of public funds or resources as defined  
29 in this section;

30       (ii) Which is in violation of federal or state law or rule, if the  
31 violation is not merely technical or of a minimum nature;

32       (iii) Which is of substantial and specific danger to the public  
33 health or safety;

34       (iv) Which is gross mismanagement; or

35       (v) Which prevents the dissemination of scientific opinion or  
36 alters technical findings without scientifically valid justification,  
37 unless state law or a common law privilege prohibits disclosure. This  
38 provision is not meant to preclude the discretion of agency management

1 to adopt a particular scientific opinion or technical finding from  
2 among differing opinions or technical findings to the exclusion of  
3 other scientific opinions or technical findings. Nothing in this  
4 subsection prevents or impairs a state agency's or public official's  
5 ability to manage its public resources or its employees in the  
6 performance of their official job duties. This subsection does not  
7 apply to de minimis, technical disagreements that are not relevant for  
8 otherwise improper governmental activity. Nothing in this provision  
9 requires the auditor to contract or consult with external experts  
10 regarding the scientific validity, invalidity, or justification of a  
11 finding or opinion.

12 (b) "Improper governmental action" does not include personnel  
13 actions, for which other remedies exist, including but not limited to  
14 employee grievances, complaints, appointments, promotions, transfers,  
15 assignments, reassignments, reinstatements, restorations,  
16 reemployments, performance evaluations, reductions in pay, dismissals,  
17 suspensions, demotions, violations of the state civil service law,  
18 alleged labor agreement violations, reprimands, claims of  
19 discriminatory treatment, or any action which may be taken under  
20 chapter 41.06 RCW, or other disciplinary action except as provided in  
21 RCW 42.40.030.

22 (7) "Public official" means the attorney general's designee or  
23 designees; the director, or equivalent thereof in the agency where the  
24 employee works; an appropriate number of individuals designated to  
25 receive whistleblower reports by the head of each agency; or the  
26 (~~executive ethics board~~) public disclosure and ethics commission.

27 (8) "Substantial and specific danger" means a risk of serious  
28 injury, illness, peril, or loss, to which the exposure of the public is  
29 a gross deviation from the standard of care or competence which a  
30 reasonable person would observe in the same situation.

31 (9) "Use of official authority or influence" includes threatening,  
32 taking, directing others to take, recommending, processing, or  
33 approving any personnel action such as an appointment, promotion,  
34 transfer, assignment including but not limited to duties and office  
35 location, reassignment, reinstatement, restoration, reemployment,  
36 performance evaluation, determining any material changes in pay,  
37 provision of training or benefits, tolerance of a hostile work

1 environment, or any adverse action under chapter 41.06 RCW, or other  
2 disciplinary action.

3 (10)(a) "Whistleblower" means:

4 (i) An employee who in good faith reports alleged improper  
5 governmental action to the auditor or other public official, as defined  
6 in subsection (7) of this section, initiating an investigation by the  
7 auditor under RCW 42.40.040; or

8 (ii) An employee who is perceived by the employer as reporting,  
9 whether they did or not, alleged improper governmental action to the  
10 auditor or other public official, as defined in subsection (7) of this  
11 section, initiating an investigation by the auditor under RCW  
12 42.40.040.

13 (b) For purposes of the provisions of this chapter and chapter  
14 49.60 RCW relating to reprisals and retaliatory action, the term  
15 "whistleblower" also means:

16 (i) An employee who in good faith provides information to the  
17 auditor or other public official, as defined in subsection (7) of this  
18 section, in connection with an investigation under RCW 42.40.040 and an  
19 employee who is believed to have reported asserted improper  
20 governmental action to the auditor or other public official, as defined  
21 in subsection (7) of this section, or to have provided information to  
22 the auditor or other public official, as defined in subsection (7) of  
23 this section, in connection with an investigation under RCW 42.40.040  
24 but who, in fact, has not reported such action or provided such  
25 information; or

26 (ii) An employee who in good faith identifies rules warranting  
27 review or provides information to the rules review committee, and an  
28 employee who is believed to have identified rules warranting review or  
29 provided information to the rules review committee but who, in fact,  
30 has not done so.

31 **Sec. 98.** RCW 42.40.910 and 2008 c 266 s 9 are each amended to read  
32 as follows:

33 Chapter 266, Laws of 2008 and chapter 361, Laws of 1999 do not  
34 affect the jurisdiction of the legislative ethics board, the  
35 (~~executive ethics board~~) public disclosure and ethics commission, or  
36 the commission on judicial conduct, as set forth in chapter 42.52 RCW.

1 The senate, the house of representatives, and the supreme court shall  
2 adopt policies regarding the applicability of chapter 42.40 RCW to the  
3 senate, house of representatives, and judicial branch.

4 **Sec. 99.** RCW 42.17.190 and 1995 c 397 s 7 are each amended to read  
5 as follows:

6 (1) The house of representatives and the senate shall report  
7 annually: The total budget; the portion of the total attributed to  
8 staff; and the number of full-time and part-time staff positions by  
9 assignment, with dollar figures as well as number of positions.

10 (2) Unless authorized by subsection (3) of this section or  
11 otherwise expressly authorized by law, no public funds may be used  
12 directly or indirectly for lobbying: PROVIDED, This does not prevent  
13 officers or employees of an agency from communicating with a member of  
14 the legislature on the request of that member; or communicating to the  
15 legislature, through the proper official channels, requests for  
16 legislative action or appropriations which are deemed necessary for the  
17 efficient conduct of the public business or actually made in the proper  
18 performance of their official duties: PROVIDED FURTHER, That this  
19 subsection does not apply to the legislative branch.

20 (3) Any agency, not otherwise expressly authorized by law, may  
21 expend public funds for lobbying, but such lobbying activity shall be  
22 limited to (a) providing information or communicating on matters  
23 pertaining to official agency business to any elected official or  
24 officer or employee of any agency or (b) advocating the official  
25 position or interests of the agency to any elected official or officer  
26 or employee of any agency: PROVIDED, That public funds may not be  
27 expended as a direct or indirect gift or campaign contribution to any  
28 elected official or officer or employee of any agency. For the  
29 purposes of this subsection, the term "gift" means a voluntary transfer  
30 of any thing of value without consideration of equal or greater value,  
31 but does not include informational material transferred for the sole  
32 purpose of informing the recipient about matters pertaining to official  
33 agency business. This section does not permit the printing of a state  
34 publication which has been otherwise prohibited by law.

35 (4) No elective official or any employee of his or her office or  
36 any person appointed to or employed by any public office or agency may  
37 use or authorize the use of any of the facilities of a public office or



1 agency, directly or indirectly, in any effort to support or oppose an  
2 initiative to the legislature. "Facilities of a public office or  
3 agency" has the same meaning as in RCW 42.17.130 and 42.52.180. The  
4 provisions of this subsection shall not apply to the following  
5 activities:

6 (a) Action taken at an open public meeting by members of an elected  
7 legislative body to express a collective decision, or to actually vote  
8 upon a motion, proposal, resolution, order, or ordinance, or to support  
9 or oppose an initiative to the legislature so long as (i) any required  
10 notice of the meeting includes the title and number of the initiative  
11 to the legislature, and (ii) members of the legislative body or members  
12 of the public are afforded an approximately equal opportunity for the  
13 expression of an opposing view;

14 (b) A statement by an elected official in support of or in  
15 opposition to any initiative to the legislature at an open press  
16 conference or in response to a specific inquiry;

17 (c) Activities which are part of the normal and regular conduct of  
18 the office or agency;

19 (d) Activities conducted regarding an initiative to the legislature  
20 that would be permitted under RCW 42.17.130 and 42.52.180 if conducted  
21 regarding other ballot measures.

22 (5) Each state agency, county, city, town, municipal corporation,  
23 quasi-municipal corporation, or special purpose district which expends  
24 public funds for lobbying shall file with the commission, except as  
25 exempted by (d) of this subsection, quarterly statements providing the  
26 following information for the quarter just completed:

27 (a) The name of the agency filing the statement;

28 (b) The name, title, and job description and salary of each elected  
29 official, officer, or employee who lobbied, a general description of  
30 the nature of the lobbying, and the proportionate amount of time spent  
31 on the lobbying;

32 (c) A listing of expenditures incurred by the agency for lobbying  
33 including but not limited to travel, consultant or other special  
34 contractual services, and brochures and other publications, the  
35 principal purpose of which is to influence legislation;

36 (d) For purposes of this subsection the term "lobbying" does not  
37 include:

1 (i) Requests for appropriations by a state agency to the office of  
2 financial management pursuant to chapter 43.88 RCW nor requests by the  
3 office of financial management to the legislature for appropriations  
4 other than its own agency budget requests;

5 (ii) Recommendations or reports to the legislature in response to  
6 a legislative request expressly requesting or directing a specific  
7 study, recommendation, or report by an agency on a particular subject;

8 (iii) Official reports including recommendations submitted to the  
9 legislature on an annual or biennial basis by a state agency as  
10 required by law;

11 (iv) Requests, recommendations, or other communication between or  
12 within state agencies or between or within local agencies;

13 (v) Any other lobbying to the extent that it includes:

14 (A) Telephone conversations or preparation of written  
15 correspondence;

16 (B) In-person lobbying on behalf of an agency of no more than four  
17 days or parts thereof during any three-month period by officers or  
18 employees of that agency and in-person lobbying by any elected official  
19 of such agency on behalf of such agency or in connection with the  
20 powers, duties, or compensation of such official: PROVIDED, That the  
21 total expenditures of nonpublic funds made in connection with such  
22 lobbying for or on behalf of any one or more members of the legislature  
23 or state elected officials or public officers or employees of the state  
24 of Washington do not exceed fifteen dollars for any three-month period:  
25 PROVIDED FURTHER, That the exemption under this subsection is in  
26 addition to the exemption provided in (A) of this subsection;

27 (C) Preparation or adoption of policy positions.

28 The statements shall be in the form and the manner prescribed by  
29 the commission and shall be filed within one month after the end of the  
30 quarter covered by the report.

31 (6) In lieu of reporting under subsection (5) of this section any  
32 county, city, town, municipal corporation, quasi municipal corporation,  
33 or special purpose district may determine and so notify the ((public  
34 disclosure)) commission, that elected officials, officers, or employees  
35 who on behalf of any such local agency engage in lobbying reportable  
36 under subsection (5) of this section shall register and report such  
37 reportable lobbying in the same manner as a lobbyist who is required to

1 register and report under RCW 42.17.150 and 42.17.170. Each such local  
2 agency shall report as a lobbyist employer pursuant to RCW 42.17.180.

3 (7) The provisions of this section do not relieve any elected  
4 official or officer or employee of an agency from complying with other  
5 provisions of this chapter, if such elected official, officer, or  
6 employee is not otherwise exempted.

7 (8) The purpose of this section is to require each state agency and  
8 certain local agencies to report the identities of those persons who  
9 lobby on behalf of the agency for compensation, together with certain  
10 separately identifiable and measurable expenditures of an agency's  
11 funds for that purpose. This section shall be reasonably construed to  
12 accomplish that purpose and not to require any agency to report any of  
13 its general overhead cost or any other costs which relate only  
14 indirectly or incidentally to lobbying or which are equally  
15 attributable to or inseparable from nonlobbying activities of the  
16 agency.

17 The ((~~public disclosure~~)) commission may adopt rules clarifying and  
18 implementing this legislative interpretation and policy.

19 **Sec. 100.** RCW 42.17.2401 and 2009 c 565 s 24 are each amended to  
20 read as follows:

21 For the purposes of RCW 42.17.240, the term "executive state  
22 officer" includes:

23 (1) The chief administrative law judge, the director of  
24 agriculture, the administrator of the Washington basic health plan, the  
25 director of the department of services for the blind, the director of  
26 the state system of community and technical colleges, the director of  
27 commerce, the secretary of corrections, the director of early learning,  
28 the director of ecology, the commissioner of employment security, the  
29 chair of the energy facility site evaluation council, the secretary of  
30 the state finance committee, the director of financial management, the  
31 director of fish and wildlife, the executive secretary of the forest  
32 practices appeals board, the director of the gambling commission, the  
33 director of general administration, the secretary of health, the  
34 administrator of the Washington state health care authority, the  
35 executive secretary of the health care facilities authority, the  
36 executive secretary of the higher education facilities authority, the  
37 executive secretary of the horse racing commission, the executive

1 secretary of the human rights commission, the executive secretary of  
2 the indeterminate sentence review board, the director of the department  
3 of information services, the executive director of the state investment  
4 board, the director of labor and industries, the director of licensing,  
5 the director of the lottery commission, the director of the office of  
6 minority and women's business enterprises, the director of parks and  
7 recreation, the director of personnel, the executive director of the  
8 public disclosure and ethics commission, the executive director of the  
9 Puget Sound partnership, the director of the recreation and  
10 conservation office, the director of retirement systems, the director  
11 of revenue, the secretary of social and health services, the chief of  
12 the Washington state patrol, the executive secretary of the board of  
13 tax appeals, the secretary of transportation, the secretary of the  
14 utilities and transportation commission, the director of veterans  
15 affairs, the president of each of the regional and state universities  
16 and the president of The Evergreen State College, and each district and  
17 each campus president of each state community college;

18 (2) Each professional staff member of the office of the governor;

19 (3) Each professional staff member of the legislature; and

20 (4) Central Washington University board of trustees, the boards of  
21 trustees of each community college and each technical college, each  
22 member of the state board for community and technical colleges, state  
23 convention and trade center board of directors, committee for deferred  
24 compensation, Eastern Washington University board of trustees,  
25 Washington economic development finance authority, The Evergreen State  
26 College board of trustees, (~~executive ethics board,~~) forest practices  
27 appeals board, forest practices board, gambling commission, life  
28 sciences discovery fund authority board of trustees, Washington health  
29 care facilities authority, each member of the Washington health  
30 services commission, higher education coordinating board, higher  
31 education facilities authority, horse racing commission, state housing  
32 finance commission, human rights commission, indeterminate sentence  
33 review board, board of industrial insurance appeals, information  
34 services board, recreation and conservation funding board, state  
35 investment board, commission on judicial conduct, legislative ethics  
36 board, liquor control board, lottery commission, marine oversight  
37 board, Pacific Northwest electric power and conservation planning  
38 council, parks and recreation commission, board of pilotage

1 commissioners, pollution control hearings board, public disclosure and  
2 ethics commission, public pension commission, shorelines hearings  
3 board, public employees' benefits board, salmon recovery funding board,  
4 board of tax appeals, transportation commission, University of  
5 Washington board of regents, utilities and transportation commission,  
6 Washington state maritime commission, Washington personnel resources  
7 board, Washington public power supply system executive board,  
8 Washington State University board of regents, Western Washington  
9 University board of trustees, and fish and wildlife commission.

10 **Sec. 101.** RCW 42.17.350 and 1998 c 30 s 1 are each amended to read  
11 as follows:

12 (1) There is hereby established a "public disclosure and ethics  
13 commission" which shall be composed of five members who shall be  
14 appointed by the governor, with the consent of the senate. All  
15 appointees shall be persons of the highest integrity and  
16 qualifications. No more than three members shall have an  
17 identification with the same political party.

18 (2) The term of each member shall be five years. No member is  
19 eligible for appointment to more than one full term. Any member may be  
20 removed by the governor, but only upon grounds of neglect of duty or  
21 misconduct in office.

22 (3) During his or her tenure, a member of the commission is  
23 prohibited from engaging in any of the following activities, either  
24 within or outside the state of Washington:

25 (a) Holding or campaigning for elective office;

26 (b) Serving as an officer of any political party or political  
27 committee;

28 (c) Permitting his or her name to be used in support of or in  
29 opposition to a candidate or proposition;

30 (d) Soliciting or making contributions to a candidate or in support  
31 of or in opposition to any candidate or proposition;

32 (e) Participating in any way in any election campaign; or

33 (f) Lobbying, employing, or assisting a lobbyist, except that a  
34 member or the staff of the commission may lobby to the limited extent  
35 permitted by RCW 42.17.190 on matters directly affecting this chapter.

36 (4) A vacancy on the commission shall be filled within thirty days  
37 of the vacancy by the governor, with the consent of the senate, and the

1 appointee shall serve for the remaining term of his or her predecessor.  
2 A vacancy shall not impair the powers of the remaining members to  
3 exercise all of the powers of the commission.

4 (5) Three members of the commission shall constitute a quorum. The  
5 commission shall elect its own chair and adopt its own rules of  
6 procedure in the manner provided in chapter 34.05 RCW.

7 (6) Members shall be compensated in accordance with RCW 43.03.250  
8 and in addition shall be reimbursed for travel expenses incurred while  
9 engaged in the business of the commission as provided in RCW 43.03.050  
10 and 43.03.060. The compensation provided pursuant to this section  
11 shall not be considered salary for purposes of the provisions of any  
12 retirement system created pursuant to the general laws of this state.

13 **Sec. 102.** RCW 42.17.510 and 2010 c 204 s 505 are each amended to  
14 read as follows:

15 (1) All written political advertising, whether relating to  
16 candidates or ballot propositions, shall include the sponsor's name and  
17 address. All radio and television political advertising, whether  
18 relating to candidates or ballot propositions, shall include the  
19 sponsor's name. The use of an assumed name for the sponsor of  
20 electioneering communications, independent expenditures, or political  
21 advertising shall be unlawful. For partisan office, if a candidate has  
22 expressed a party or independent preference on the declaration of  
23 candidacy, that party or independent designation shall be clearly  
24 identified in electioneering communications, independent expenditures,  
25 or political advertising.

26 (2) In addition to the information required by subsection (1) of  
27 this section, except as specifically addressed in subsections (4) and  
28 (5) of this section, all political advertising undertaken as an  
29 independent expenditure or an electioneering communication by a person  
30 or entity other than a bona fide political party must include as part  
31 of the communication:

32 (a) The statement: "No candidate authorized this ad. It is paid  
33 for by (name, address, city, state)";

34 (b) If the sponsor is a political committee, the statement: "Top  
35 Five Contributors," followed by a listing of the names of the five  
36 persons or entities making the largest contributions in excess of seven

1 hundred dollars reportable under this chapter during the twelve-month  
2 period before the date of the advertisement or communication; and

3 (c) If the sponsor is a political committee established,  
4 maintained, or controlled directly, or indirectly through the formation  
5 of one or more political committees, by an individual, corporation,  
6 union, association, or other entity, the full name of that individual  
7 or entity.

8 (3) The information required by subsections (1) and (2) of this  
9 section shall:

10 (a) Appear on the first page or fold of the written advertisement  
11 or communication in at least ten-point type, or in type at least ten  
12 percent of the largest size type used in a written advertisement or  
13 communication directed at more than one voter, such as a billboard or  
14 poster, whichever is larger;

15 (b) Not be subject to the half-tone or screening process; and

16 (c) Be set apart from any other printed matter.

17 (4) In an independent expenditure or electioneering communication  
18 transmitted via television or other medium that includes a visual  
19 image, the following statement must either be clearly spoken, or appear  
20 in print and be visible for at least four seconds, appear in letters  
21 greater than four percent of the visual screen height, and have a  
22 reasonable color contrast with the background: "No candidate  
23 authorized this ad. Paid for by (name, city, state)." If the  
24 advertisement or communication is undertaken by a nonindividual other  
25 than a party organization, then the following notation must also be  
26 included: "Top Five Contributors" followed by a listing of the names  
27 of the five persons or entities making the largest contributions in  
28 excess of seven hundred dollars reportable under this chapter during  
29 the twelve-month period before the date of the advertisement.  
30 Abbreviations may be used to describe contributing entities if the full  
31 name of the entity has been clearly spoken previously during the  
32 broadcast advertisement.

33 (5) The following statement shall be clearly spoken in an  
34 independent expenditure or electioneering communication transmitted by  
35 a method that does not include a visual image: "No candidate  
36 authorized this ad. Paid for by (name, city, state)." If the  
37 independent expenditure or electioneering communication is undertaken  
38 by a nonindividual other than a party organization, then the following

1 statement must also be included: "Top Five Contributors" followed by  
2 a listing of the names of the five persons or entities making the  
3 largest contributions in excess of seven hundred dollars reportable  
4 under this chapter during the twelve-month period before the date of  
5 the advertisement. Abbreviations may be used to describe contributing  
6 entities if the full name of the entity has been clearly spoken  
7 previously during the broadcast advertisement.

8 (6) Political yard signs are exempt from the requirement of  
9 subsections (1) and (2) of this section that the name and address of  
10 the sponsor of political advertising be listed on the advertising. In  
11 addition, the (~~public disclosure~~) commission shall, by rule, exempt  
12 from the identification requirements of subsections (1) and (2) of this  
13 section forms of political advertising such as campaign buttons,  
14 balloons, pens, pencils, sky-writing, inscriptions, and other forms of  
15 advertising where identification is impractical.

16 (7) For the purposes of this section, "yard sign" means any outdoor  
17 sign with dimensions no greater than eight feet by four feet.

18 **Sec. 103.** RCW 42.17A.100 and 2010 c 204 s 301 are each amended to  
19 read as follows:

20 (1) The public disclosure and ethics commission is established.  
21 The commission shall be composed of five members appointed by the  
22 governor, with the consent of the senate. All appointees shall be  
23 persons of the highest integrity and qualifications. No more than  
24 three members shall have an identification with the same political  
25 party.

26 (2) The term of each member shall be five years. No member is  
27 eligible for appointment to more than one full term. Any member may be  
28 removed by the governor, but only upon grounds of neglect of duty or  
29 misconduct in office.

30 (3) During his or her tenure, a member of the commission is  
31 prohibited from engaging in any of the following activities, either  
32 within or outside the state of Washington:

33 (a) Holding or campaigning for elective office;

34 (b) Serving as an officer of any political party or political  
35 committee;

36 (c) Permitting his or her name to be used in support of or in  
37 opposition to a candidate or proposition;



1 (d) Soliciting or making contributions to a candidate or in support  
2 of or in opposition to any candidate or proposition;

3 (e) Participating in any way in any election campaign; or

4 (f) Lobbying, employing, or assisting a lobbyist, except that a  
5 member or the staff of the commission may lobby to the limited extent  
6 permitted by RCW 42.17A.635 on matters directly affecting this chapter.

7 (4) A vacancy on the commission shall be filled within thirty days  
8 of the vacancy by the governor, with the consent of the senate, and the  
9 appointee shall serve for the remaining term of his or her predecessor.  
10 A vacancy shall not impair the powers of the remaining members to  
11 exercise all of the powers of the commission.

12 (5) Three members of the commission shall constitute a quorum. The  
13 commission shall elect its own chair and adopt its own rules of  
14 procedure in the manner provided in chapter 34.05 RCW.

15 (6) Members shall be compensated in accordance with RCW 43.03.250  
16 and shall be reimbursed for travel expenses incurred while engaged in  
17 the business of the commission as provided in RCW 43.03.050 and  
18 43.03.060. The compensation provided pursuant to this section shall  
19 not be considered salary for purposes of the provisions of any  
20 retirement system created under the laws of this state.

21 **Sec. 104.** RCW 42.17A.320 and 2010 c 204 s 505 are each amended to  
22 read as follows:

23 (1) All written political advertising, whether relating to  
24 candidates or ballot propositions, shall include the sponsor's name and  
25 address. All radio and television political advertising, whether  
26 relating to candidates or ballot propositions, shall include the  
27 sponsor's name. The use of an assumed name for the sponsor of  
28 electioneering communications, independent expenditures, or political  
29 advertising shall be unlawful. For partisan office, if a candidate has  
30 expressed a party or independent preference on the declaration of  
31 candidacy, that party or independent designation shall be clearly  
32 identified in electioneering communications, independent expenditures,  
33 or political advertising.

34 (2) In addition to the information required by subsection (1) of  
35 this section, except as specifically addressed in subsections (4) and  
36 (5) of this section, all political advertising undertaken as an

1 independent expenditure or an electioneering communication by a person  
2 or entity other than a bona fide political party must include as part  
3 of the communication:

4 (a) The statement: "No candidate authorized this ad. It is paid  
5 for by (name, address, city, state)";

6 (b) If the sponsor is a political committee, the statement: "Top  
7 Five Contributors," followed by a listing of the names of the five  
8 persons or entities making the largest contributions in excess of seven  
9 hundred dollars reportable under this chapter during the twelve-month  
10 period before the date of the advertisement or communication; and

11 (c) If the sponsor is a political committee established,  
12 maintained, or controlled directly, or indirectly through the formation  
13 of one or more political committees, by an individual, corporation,  
14 union, association, or other entity, the full name of that individual  
15 or entity.

16 (3) The information required by subsections (1) and (2) of this  
17 section shall:

18 (a) Appear on the first page or fold of the written advertisement  
19 or communication in at least ten-point type, or in type at least ten  
20 percent of the largest size type used in a written advertisement or  
21 communication directed at more than one voter, such as a billboard or  
22 poster, whichever is larger;

23 (b) Not be subject to the half-tone or screening process; and

24 (c) Be set apart from any other printed matter.

25 (4) In an independent expenditure or electioneering communication  
26 transmitted via television or other medium that includes a visual  
27 image, the following statement must either be clearly spoken, or appear  
28 in print and be visible for at least four seconds, appear in letters  
29 greater than four percent of the visual screen height, and have a  
30 reasonable color contrast with the background: "No candidate  
31 authorized this ad. Paid for by (name, city, state)." If the  
32 advertisement or communication is undertaken by a nonindividual other  
33 than a party organization, then the following notation must also be  
34 included: "Top Five Contributors" followed by a listing of the names  
35 of the five persons or entities making the largest contributions in  
36 excess of seven hundred dollars reportable under this chapter during  
37 the twelve-month period before the date of the advertisement.

1 Abbreviations may be used to describe contributing entities if the full  
2 name of the entity has been clearly spoken previously during the  
3 broadcast advertisement.

4 (5) The following statement shall be clearly spoken in an  
5 independent expenditure or electioneering communication transmitted by  
6 a method that does not include a visual image: "No candidate  
7 authorized this ad. Paid for by (name, city, state)." If the  
8 independent expenditure or electioneering communication is undertaken  
9 by a nonindividual other than a party organization, then the following  
10 statement must also be included: "Top Five Contributors" followed by  
11 a listing of the names of the five persons or entities making the  
12 largest contributions in excess of seven hundred dollars reportable  
13 under this chapter during the twelve-month period before the date of  
14 the advertisement. Abbreviations may be used to describe contributing  
15 entities if the full name of the entity has been clearly spoken  
16 previously during the broadcast advertisement.

17 (6) Political yard signs are exempt from the requirement of  
18 subsections (1) and (2) of this section that the name and address of  
19 the sponsor of political advertising be listed on the advertising. In  
20 addition, the ((~~public disclosure~~)) commission shall, by rule, exempt  
21 from the identification requirements of subsections (1) and (2) of this  
22 section forms of political advertising such as campaign buttons,  
23 balloons, pens, pencils, sky-writing, inscriptions, and other forms of  
24 advertising where identification is impractical.

25 (7) For the purposes of this section, "yard sign" means any outdoor  
26 sign with dimensions no greater than eight feet by four feet.

27 **Sec. 105.** RCW 42.17A.635 and 2010 c 204 s 808 are each amended to  
28 read as follows:

29 (1) The house of representatives and the senate shall report  
30 annually: The total budget; the portion of the total attributed to  
31 staff; and the number of full-time and part-time staff positions by  
32 assignment, with dollar figures as well as number of positions.

33 (2) Unless authorized by subsection (3) of this section or  
34 otherwise expressly authorized by law, no public funds may be used  
35 directly or indirectly for lobbying. However, this does not prevent  
36 officers or employees of an agency from communicating with a member of  
37 the legislature on the request of that member; or communicating to the

1 legislature, through the proper official channels, requests for  
2 legislative action or appropriations that are deemed necessary for the  
3 efficient conduct of the public business or actually made in the proper  
4 performance of their official duties. This subsection does not apply  
5 to the legislative branch.

6 (3) Any agency, not otherwise expressly authorized by law, may  
7 expend public funds for lobbying, but such lobbying activity shall be  
8 limited to (a) providing information or communicating on matters  
9 pertaining to official agency business to any elected official or  
10 officer or employee of any agency or (b) advocating the official  
11 position or interests of the agency to any elected official or officer  
12 or employee of any agency. Public funds may not be expended as a  
13 direct or indirect gift or campaign contribution to any elected  
14 official or officer or employee of any agency. For the purposes of  
15 this subsection, "gift" means a voluntary transfer of any thing of  
16 value without consideration of equal or greater value, but does not  
17 include informational material transferred for the sole purpose of  
18 informing the recipient about matters pertaining to official agency  
19 business. This section does not permit the printing of a state  
20 publication that has been otherwise prohibited by law.

21 (4) No elective official or any employee of his or her office or  
22 any person appointed to or employed by any public office or agency may  
23 use or authorize the use of any of the facilities of a public office or  
24 agency, directly or indirectly, in any effort to support or oppose an  
25 initiative to the legislature. "Facilities of a public office or  
26 agency" has the same meaning as in RCW 42.17A.555 and 42.52.180. The  
27 provisions of this subsection shall not apply to the following  
28 activities:

29 (a) Action taken at an open public meeting by members of an elected  
30 legislative body to express a collective decision, or to actually vote  
31 upon a motion, proposal, resolution, order, or ordinance, or to support  
32 or oppose an initiative to the legislature so long as (i) any required  
33 notice of the meeting includes the title and number of the initiative  
34 to the legislature, and (ii) members of the legislative body or members  
35 of the public are afforded an approximately equal opportunity for the  
36 expression of an opposing view;

37 (b) A statement by an elected official in support of or in

1 opposition to any initiative to the legislature at an open press  
2 conference or in response to a specific inquiry;

3 (c) Activities that are part of the normal and regular conduct of  
4 the office or agency;

5 (d) Activities conducted regarding an initiative to the legislature  
6 that would be permitted under RCW 42.17A.555 and 42.52.180 if conducted  
7 regarding other ballot measures.

8 (5) Each state agency, county, city, town, municipal corporation,  
9 quasi-municipal corporation, or special purpose district that expends  
10 public funds for lobbying shall file with the commission, except as  
11 exempted by (d) of this subsection, quarterly statements providing the  
12 following information for the quarter just completed:

13 (a) The name of the agency filing the statement;

14 (b) The name, title, and job description and salary of each elected  
15 official, officer, or employee who lobbied, a general description of  
16 the nature of the lobbying, and the proportionate amount of time spent  
17 on the lobbying;

18 (c) A listing of expenditures incurred by the agency for lobbying  
19 including but not limited to travel, consultant or other special  
20 contractual services, and brochures and other publications, the  
21 principal purpose of which is to influence legislation;

22 (d) For purposes of this subsection, "lobbying" does not include:

23 (i) Requests for appropriations by a state agency to the office of  
24 financial management pursuant to chapter 43.88 RCW nor requests by the  
25 office of financial management to the legislature for appropriations  
26 other than its own agency budget requests;

27 (ii) Recommendations or reports to the legislature in response to  
28 a legislative request expressly requesting or directing a specific  
29 study, recommendation, or report by an agency on a particular subject;

30 (iii) Official reports including recommendations submitted to the  
31 legislature on an annual or biennial basis by a state agency as  
32 required by law;

33 (iv) Requests, recommendations, or other communication between or  
34 within state agencies or between or within local agencies;

35 (v) Any other lobbying to the extent that it includes:

36 (A) Telephone conversations or preparation of written  
37 correspondence;

1 (B) In-person lobbying on behalf of an agency of no more than four  
2 days or parts thereof during any three-month period by officers or  
3 employees of that agency and in-person lobbying by any elected official  
4 of such agency on behalf of such agency or in connection with the  
5 powers, duties, or compensation of such official. The total  
6 expenditures of nonpublic funds made in connection with such lobbying  
7 for or on behalf of any one or more members of the legislature or state  
8 elected officials or public officers or employees of the state of  
9 Washington may not exceed fifteen dollars for any three-month period.  
10 The exemption under this subsection (5)(d)(v)(B) is in addition to the  
11 exemption provided in (d)(v)(A) of this subsection;

12 (C) Preparation or adoption of policy positions.

13 The statements shall be in the form and the manner prescribed by  
14 the commission and shall be filed within one month after the end of the  
15 quarter covered by the report.

16 (6) In lieu of reporting under subsection (5) of this section, any  
17 county, city, town, municipal corporation, quasi municipal corporation,  
18 or special purpose district may determine and so notify the ((public  
19 disclosure)) commission that elected officials, officers, or employees  
20 who, on behalf of any such local agency, engage in lobbying reportable  
21 under subsection (5) of this section shall register and report such  
22 reportable lobbying in the same manner as a lobbyist who is required to  
23 register and report under RCW 42.17A.600 and 42.17A.615. Each such  
24 local agency shall report as a lobbyist employer pursuant to RCW  
25 42.17A.630.

26 (7) The provisions of this section do not relieve any elected  
27 official or officer or employee of an agency from complying with other  
28 provisions of this chapter, if such elected official, officer, or  
29 employee is not otherwise exempted.

30 (8) The purpose of this section is to require each state agency and  
31 certain local agencies to report the identities of those persons who  
32 lobby on behalf of the agency for compensation, together with certain  
33 separately identifiable and measurable expenditures of an agency's  
34 funds for that purpose. This section shall be reasonably construed to  
35 accomplish that purpose and not to require any agency to report any of  
36 its general overhead cost or any other costs that relate only  
37 indirectly or incidentally to lobbying or that are equally attributable  
38 to or inseparable from nonlobbying activities of the agency.

1       (9) The (~~public disclosure~~) commission may adopt rules clarifying  
2 and implementing this legislative interpretation and policy.

3       **Sec. 106.** RCW 42.17A.705 and 2010 c 204 s 902 are each amended to  
4 read as follows:

5       For the purposes of RCW 42.17A.700, "executive state officer"  
6 includes:

7       (1) The chief administrative law judge, the director of  
8 agriculture, the director of the department of services for the blind,  
9 the director of the state system of community and technical colleges,  
10 the director of commerce, the secretary of corrections, the director of  
11 early learning, the director of ecology, the commissioner of employment  
12 security, the chair of the energy facility site evaluation council, the  
13 secretary of the state finance committee, the director of financial  
14 management, the director of fish and wildlife, the executive secretary  
15 of the forest practices appeals board, the director of the gambling  
16 commission, the director of general administration, the secretary of  
17 health, the administrator of the Washington state health care  
18 authority, the executive secretary of the health care facilities  
19 authority, the executive secretary of the higher education facilities  
20 authority, the executive secretary of the horse racing commission, the  
21 executive secretary of the human rights commission, the executive  
22 secretary of the indeterminate sentence review board, the director of  
23 the department of information services, the executive director of the  
24 state investment board, the director of labor and industries, the  
25 director of licensing, the director of the lottery commission, the  
26 director of the office of minority and women's business enterprises,  
27 the director of parks and recreation, the director of personnel, the  
28 executive director of the public disclosure and ethics commission, the  
29 executive director of the Puget Sound partnership, the director of the  
30 recreation and conservation office, the director of retirement systems,  
31 the director of revenue, the secretary of social and health services,  
32 the chief of the Washington state patrol, the executive secretary of  
33 the board of tax appeals, the secretary of transportation, the  
34 secretary of the utilities and transportation commission, the director  
35 of veterans affairs, the president of each of the regional and state  
36 universities and the president of The Evergreen State College, and each  
37 district and each campus president of each state community college;

1 (2) Each professional staff member of the office of the governor;  
2 (3) Each professional staff member of the legislature; and  
3 (4) Central Washington University board of trustees, the boards of  
4 trustees of each community college and each technical college, each  
5 member of the state board for community and technical colleges, state  
6 convention and trade center board of directors, Eastern Washington  
7 University board of trustees, Washington economic development finance  
8 authority, Washington energy northwest executive board, The Evergreen  
9 State College board of trustees, executive ethics board, fish and  
10 wildlife commission, forest practices appeals board, forest practices  
11 board, gambling commission, Washington health care facilities  
12 authority, higher education coordinating board, higher education  
13 facilities authority, horse racing commission, state housing finance  
14 commission, human rights commission, indeterminate sentence review  
15 board, board of industrial insurance appeals, information services  
16 board, state investment board, commission on judicial conduct,  
17 legislative ethics board, life sciences discovery fund authority board  
18 of trustees, liquor control board, lottery commission, Pacific  
19 Northwest electric power and conservation planning council, parks and  
20 recreation commission, Washington personnel resources board, board of  
21 pilotage commissioners, pollution control hearings board, (~~public  
22 disclosure commission,~~) public employees' benefits board, recreation  
23 and conservation funding board, salmon recovery funding board,  
24 shorelines hearings board, board of tax appeals, transportation  
25 commission, University of Washington board of regents, utilities and  
26 transportation commission, Washington State University board of  
27 regents, and Western Washington University board of trustees.

28 **Sec. 107.** RCW 43.03.028 and 2010 1st sp.s. c 7 s 2 are each  
29 amended to read as follows:

30 (1) The department of personnel shall study the duties and salaries  
31 of the directors of the several departments and the members of the  
32 several boards and commissions of state government, who are subject to  
33 appointment by the governor or whose salaries are fixed by the  
34 governor, and of the chief executive officers of the following agencies  
35 of state government:

36 The arts commission; the human rights commission; the board of  
37 accountancy; the board of pharmacy; the eastern Washington historical



1 society; the Washington state historical society; the recreation and  
2 conservation office; the criminal justice training commission; the  
3 department of personnel; the state library; the traffic safety  
4 commission; the horse racing commission; the advisory council on  
5 vocational education; the public disclosure and ethics commission; the  
6 state conservation commission; the commission on Hispanic affairs; the  
7 commission on Asian Pacific American affairs; the state board for  
8 volunteer firefighters and reserve officers; the transportation  
9 improvement board; the public employment relations commission; the  
10 forest practices appeals board; and the energy facilities site  
11 evaluation council.

12 (2) The department of personnel shall report to the governor or the  
13 chairperson of the appropriate salary fixing authority at least once in  
14 each fiscal biennium on such date as the governor may designate, but  
15 not later than seventy-five days prior to the convening of each regular  
16 session of the legislature during an odd-numbered year, its  
17 recommendations for the salaries to be fixed for each position.

18 **Sec. 108.** RCW 44.05.020 and 1983 c 16 s 2 are each amended to read  
19 as follows:

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

22 (1) "Chief election officer" means the secretary of state.

23 (2) "Federal census" means the decennial census required by federal  
24 law to be prepared by the United States bureau of the census in each  
25 year ending in zero.

26 (3) "Lobbyist" means an individual required to register with the  
27 Washington public disclosure and ethics commission pursuant to RCW  
28 42.17.150.

29 (4) "Plan" means a plan for legislative and congressional  
30 redistricting mandated by Article II, section 43 of the state  
31 Constitution.

32 NEW SECTION. **Sec. 109.** The following acts or parts of acts are  
33 each repealed:

34 (1) RCW 42.52.340 (Transfer of jurisdiction) and 1994 c 154 s 204;

35 (2) RCW 42.52.350 (Executive ethics board) and 1994 c 154 s 205;

36 and

1 (3) RCW 42.52.380 (Political activities of board members) and 1997  
2 c 11 s 1 & 1994 c 154 s 208.

3 NEW SECTION. **Sec. 110.** Sections 99 through 102 of this act expire  
4 January 1, 2012.

5 NEW SECTION. **Sec. 111.** Sections 103 through 106 of this act take  
6 effect January 1, 2012.

7 **Effective/Expiration Dates**

8 NEW SECTION. **Sec. 112.** Except for sections 79, 86, and 103  
9 through 106 of this act, this act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of the  
11 state government and its existing public institutions, and takes effect  
12 July 1, 2011.

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