CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2883

Chapter 197, Laws of 2016

64th Legislature 2016 Regular Session

STATE AGENCY REPORTS--REDUCTION

EFFECTIVE DATE: 6/9/2016

Passed by the House February 17, 2016 Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 4, 2016 Yeas 44 Nays 2

BRAD OWEN

President of the Senate

Approved April 1, 2016 3:56 PM

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2883** as passed by House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 4, 2016

JAY INSLEE

Governor of the State of Washington

Secretary of State State of Washington

ENGROSSED HOUSE BILL 2883

Passed Legislature - 2016 Regular Session

State of Washington 64th Legislature 2016 Regular Session

By Representatives Senn, Chandler, and Ormsby; by request of Office of Financial Management

Read first time 01/25/16. Referred to Committee on State Government.

- AN ACT Relating to government efficiency by eliminating or revising the requirements for state agency reports; amending RCW 3 28B.10.029, 43.19.642, 43.43.480, 49.04.190, 50.22.157, 70.41.045, 4 72.10.020, 74.14A.060, and 79A.25.350; reenacting and amending RCW 5 46.52.120 and 77.85.140; and repealing RCW 18.27.342, 28A.345.060, 6 43.22.330, 46.01.325, 43.88.500, 43.88.505, 43.88.510, and 43.88.515.
- 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 8 **Sec. 1.** RCW 28B.10.029 and 2015 c 79 s 1 are each amended to 9 read as follows:
- (1)(a) An institution of higher education may, consistent with RCW 28B.10.925 and 28B.10.926, exercise independently those powers otherwise granted to the director of enterprise services in chapters 43.19 and 39.26 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education.
- 17 (b) Property disposition policies followed by institutions of 18 higher education shall be consistent with policies followed by the 19 department of enterprise services.
- 20 (c)(i) Except as provided in (c)(ii) and (iii) of this subsection 21 and elsewhere as provided by law, purchasing policies and procedures

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- followed by institutions of higher education shall be in compliance with chapters 39.19, 39.26, and 43.03 RCW, and RCW 43.19.1917, 43.19.685, and 43.19.560 through 43.19.637.
- (ii) Institutions of higher education may use all appropriate 4 means for making and paying for travel arrangements including, but 5 6 not limited to, electronic booking and reservations, advance payment and deposits for tours, lodging, and other necessary expenses, and 7 other travel transactions based on standard industry practices and 8 federal accountable plan requirements. Such arrangements shall 9 support student, faculty, staff, and other participants' travel, by 10 groups and individuals, both domestic and international, in the most 11 12 cost-effective and efficient manner possible, regardless of the source of funds. 13

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- (iii) Formal sealed, electronic, or web-based competitive bidding is not necessary for purchases or personal services contracts by institutions of higher education for less than one hundred thousand dollars. However, for purchases and personal services contracts of ten thousand dollars or more and less than one hundred thousand dollars, quotations must be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone, electronic, or written quotations, or any combination thereof. As part of securing the three vendor quotations, institutions of higher education must invite at least one quotation each from a certified minority and a certified woman-owned vendor that otherwise qualifies to perform the work. A record of competition for all such purchases and personal services contracts of ten thousand dollars or more and less than one hundred thousand dollars must be documented for audit purposes.
- (d) Purchases under chapter 39.26, 43.19, or 43.105 RCW by institutions of higher education may be made by using contracts for materials, supplies, services, or equipment negotiated or entered into by, for, or through group purchasing organizations.
- 33 (e) The community and technical colleges shall comply with RCW 34 43.19.450.
- (f) Except for the University of Washington, institutions of higher education shall comply with RCW 43.19.769, 43.19.763, and 43.19.781.
- 38 (g) If an institution of higher education can satisfactorily 39 demonstrate to the director of the office of financial management 40 that the cost of compliance is greater than the value of benefits

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from any of the following statutes, then it shall be exempt from them: RCW 43.19.685 and 43.19.637.

- (h) ((Any)) When any institution of higher education ((that chooses to exercise)) exercises its independent purchasing authority for a commodity or group of commodities ((shall notify the director of enterprise services. Thereafter)), the director of enterprise services shall not be required to provide those services for that institution for the duration of the enterprise services contract term for that commodity or group of commodities.
- 10 (2) The council of presidents and the state board for community 11 and technical colleges shall convene its correctional industries 12 business development advisory committee, and work collaboratively 13 with correctional industries, to:
- 14 (a) Reaffirm purchasing criteria and ensure that quality, 15 service, and timely delivery result in the best value for expenditure 16 of state dollars;
- 17 (b) Update the approved list of correctional industries products 18 from which higher education shall purchase; and
 - (c) Develop recommendations on ways to continue to build correctional industries' business with institutions of higher education.
 - (3) Higher education and correctional industries shall develop a plan to build higher education business with correctional industries to increase higher education purchases of correctional industries products, based upon the criteria established in subsection (2) of this section. The plan shall include the correctional industries' production and sales goals for higher education and an approved list of products from which higher education institutions shall purchase, based on the criteria established in subsection (2) of this section. Higher education and correctional industries shall report to the legislature regarding the plan and its implementation no later than January 30, 2005.
 - (4)(a) Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2006, to purchase one percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2008, to purchase two percent of the total goods and services required by the institutions each year

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1 produced or provided in whole or in part from class II inmate work 2 programs operated by the department of corrections.

- (b) Institutions of higher education shall endeavor to assure the department of corrections has notifications of bid opportunities with the goal of meeting or exceeding the purchasing target in (a) of this subsection.
- **Sec. 2.** RCW 43.19.642 and 2015 1st sp.s. c 10 s 701 are each 8 amended to read as follows:
 - (1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.
 - (2) Except as provided in subsection (5) of this section, effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.
- 22 (3) All state agencies using biodiesel fuel shall, beginning on July 1, ((2006)) 2016, file ((biannual)) annual reports with the department of enterprise services documenting the use of the fuel and a description of how any problems encountered were resolved.
- 26 (4) By December 1, 2009, the department of enterprise services 27 shall:
- 28 (a) Report to the legislature on the average true price 29 differential for biodiesel by blend and location; and
- 30 (b) Examine alternative fuel procurement methods that work to 31 address potential market barriers for in-state biodiesel producers 32 and report these findings to the legislature.
 - (5) During the 2011-2013, 2013-2015, and 2015-2017 fiscal biennia, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels, as long as the price of a B5 biodiesel blend does not exceed the price of conventional diesel fuel by five percent or more.

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Sec. 3. RCW 43.43.480 and 2000 c 118 s 1 are each amended to 2 read as follows:

- (1) Beginning May 1, 2000, the Washington state patrol shall collect((, and report semiannually to the criminal justice training commission,)) the following information:
- (a) The number of individuals stopped for routine traffic enforcement, whether or not a citation or warning was issued;
- 8 (b) Identifying characteristics of the individual stopped, 9 including the race or ethnicity, approximate age, and gender;
 - (c) The nature of the alleged violation that led to the stop;
 - (d) Whether a search was instituted as a result of the stop; and
- 12 (e) Whether an arrest was made, or a written citation issued, as 13 a result of either the stop or the search.
 - (2) The criminal justice training commission and the Washington state patrol shall compile the information required under subsection (1) of this section and make a report to the legislature no later than December 1, 2000.
 - Sec. 4. RCW 46.52.120 and 1998 c 218 s 1 and 1998 c 165 s 10 are each reenacted and amended to read as follows:
 - (1) The director shall keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each driver, showing all the convictions and findings of traffic infractions certified by the courts((, together with an index cross-reference record of each accident reported relating to such individual with a brief statement of the cause of the accident and whether or not the accident resulted in any fatality. The chief of the Washington state patrol shall furnish the index cross-reference record to the director, with reference to each driver involved in the reported accidents)).
 - (2) The records shall be for the confidential use of the director, the chief of the Washington state patrol, the director of the Washington traffic safety commission, and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be admitted into evidence in any court, except where relevant to the prosecution or defense of a criminal charge, or in case appeal is taken from the order of the director, suspending, revoking, canceling, or refusing a vehicle driver's license.

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(3) The director shall tabulate and analyze vehicle driver's case records and suspend, revoke, cancel, or refuse a vehicle driver's license to a person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. The director shall also suspend a person's driver's license if the person fails to attend or complete a driver improvement interview or fails to abide by conditions of probation under RCW 46.20.335. Whenever the director orders the vehicle driver's license of any such person suspended, revoked, or canceled, or refuses the issuance of a vehicle driver's license, such suspension, revocation, cancellation, or refusal is final and effective unless appeal from the decision of the director is taken as provided by law.

- **Sec. 5.** RCW 49.04.190 and 2006 c 161 s 4 are each amended to 15 read as follows:
 - (1) Within existing resources, the Washington state apprenticeship and training council shall approve and oversee directentry programs for graduating secondary students into building and construction-related apprenticeships by:
 - (a) Assisting individual school districts in using and leveraging existing resources; and
 - (b) Developing guidelines, including guidelines that ensure that graduating secondary school students will receive appropriate education and training and will have the opportunity to transition to local apprenticeship programs. The guidelines must be developed with input from apprenticeship coordinators, the office of the superintendent of public instruction, the state board for community and technical colleges, the workforce training and education coordinating board, and other interested stakeholders for directentry programs.
- (2) The Washington state apprenticeship and training council shall award up to ten incentive grants for the 2006-07 school year, based on guidelines established under subsection (1)(b) of this section, to school districts statewide solely for personnel to negotiate and implement agreements with local apprenticeship programs based upon state apprenticeship use requirements, as described in RCW 39.04.320, to accept graduating secondary school students with appropriate training into apprenticeship programs. The council shall make every effort to award the grants evenly across the state.

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(3) ((Beginning December 1, 2006,)) For any year in which grants are awarded in accordance with this section, the Washington state apprenticeship and training council shall provide ((an annual)) a report to the governor and the education and commerce and labor committees of the legislature. The report shall include:

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- 6 (a) The guidelines established under subsection (1)(b) of this 7 section;
- 8 (b) The names of the school districts receiving incentive grants 9 under subsection (2) of this section;
- 10 (c) The results of negotiations between school districts 11 receiving incentive grants and local apprenticeship programs;
- 12 (d) A list of apprenticeship programs that have agreed, pursuant 13 to negotiated agreements, to accept qualified graduating secondary 14 students; and
- 15 (e) The number of qualified graduating secondary students 16 entering into apprenticeship programs each year through direct-entry 17 programs.
- 18 **Sec. 6.** RCW 50.22.157 and 2011 c 4 s 15 are each amended to read 19 as follows:
 - (1) The employment security department shall report to the appropriate committees of the legislature by December 1, ((2009)) 2016, and every ((year)) five years thereafter, on the status of the training benefits program and the resulting outcomes. The report shall include a survey based assessment of the employment outcomes for program participants within the previous three years. The department shall also include in its report:
 - (a) A demographic analysis of participants in the training benefits program under this section including the number of claimants per North American industry classification system code and the gender, race, age, and geographic representation of participants;
 - (b) The duration of training benefits claimed per claimant;
 - (c) An analysis of the training provided to participants including the occupational category supported by the training, whether the training received would lead to employment in a high-demand occupation, whether a degree or certificate is required in that occupational category to obtain employment, those participants who complete training in relationship to those that do not, the number of participants who take courses in basic language, reading,

or writing skills to improve their employability, and the reasons for noncompletion of approved training programs;

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- (d) The employment and wage history of participants, including the pretraining and posttraining wage, the type of work participants were engaged in prior to unemployment, and whether those participating in training return to their previous employer within two years of receiving training, or are employed in a field for which they were retrained;
- 9 (e) An identification and analysis of administrative costs at 10 both the local and state level for administering this program;
 - (f) A projection of program costs for the next fiscal year; and
- 12 (g) The total funds obligated for training benefits, and the net 13 balance remaining to be obligated subject to the restrictions of RCW 14 50.22.140.
- 15 (2) The joint legislative audit and review committee is directed 16 to conduct a thorough review and evaluation of the training benefits 17 program on the following schedule:
- 18 (a) Three years after the implementation of the training benefits 19 portion of chapter 4, Laws of 2011 and every five years thereafter; 20 and
 - (b) In any year in which the employment security department is required to suspend obligation of training benefits funds pursuant to RCW 50.22.140(2), or total expenditures exceed twenty-five million dollars.
 - (3) As part of the review conducted under subsection (2) of this section, the joint legislative audit and review committee shall:
- 27 (a) Assess whether the program is complying with legislative 28 intent;
 - (b) Assess whether the program is effective;
- 30 (c) Assess whether the program is operating in an efficient and 31 economical manner which results in optimum performance; and
- 32 (d) Make recommendations on how to improve the training benefits 33 program.
- 34 (4) After a review of the training benefits program has been 35 completed by the joint legislative audit and review committee, the 36 appropriate committees of the legislature must hold a public hearing 37 on the review and consider potential changes to improve the program.
- 38 **Sec. 7.** RCW 70.41.045 and 2004 c 261 s 2 are each amended to 39 read as follows:

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1 (1) Unless the context clearly requires otherwise, the 2 definitions in this subsection apply throughout this section.

- (a) "Agency" means a department of state government created under RCW 43.17.010 and the office of the state auditor.
- (b) "Audit" means an examination of records or financial accounts to evaluate accuracy and monitor compliance with statutory or regulatory requirements.
- (c) "Hospital" means a hospital licensed under chapter 70.41 RCW.
- 9 (d) "Survey" means an inspection, examination, or site visit 10 conducted by an agency to evaluate and monitor the compliance of a 11 hospital or hospital services or facilities with statutory or 12 regulatory requirements.
 - (2) By July 1, 2004, each state agency which conducts hospital surveys or audits shall post to its agency web site a list of the most frequent problems identified in its hospital surveys or audits along with information on how to avoid or address the identified problems, and a person within the agency that a hospital may contact with questions or for further assistance.
 - (3) By July 1, 2004, the department of health, in cooperation with other state agencies which conduct hospital surveys or audits, shall develop an instrument, to be provided to every hospital upon completion of a state survey or audit, which allows the hospital to anonymously evaluate the survey or audit process in terms of quality, efficacy, and the extent to which it supported improved patient care and compliance with state law without placing an unnecessary administrative burden on the hospital. The evaluation may be returned to the department of health for distribution to the appropriate agency. ((The department of health shall annually compile the evaluations in a report to the legislature.))
 - (4) Except when responding to complaints or immediate public health and safety concerns or when such prior notice would conflict with other state or federal law, any state agency that provides notice of a hospital survey or audit must provide such notice to the hospital no less than four weeks prior to the date of the survey or audit.
- **Sec. 8.** RCW 72.10.020 and 2012 c 237 s 1 are each amended to read as follows:
- 38 (1) Upon entry into the correctional system, offenders shall receive an initial medical examination. The department shall prepare

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a health profile for each offender that includes at least the following information: (a) An identification of the offender's serious medical and dental needs; (b) an evaluation of the offender's capacity for work and recreation; and (c) a financial assessment of the offender's ability to pay for all or a portion of his or her health care services from personal resources or private insurance.

- (2)(a) The department may develop and implement a plan for the delivery of health care services and personal hygiene items to offenders in the department's correctional facilities, at the discretion of the secretary, and in conformity with federal law.
- (b) To discourage unwarranted use of health care services caused by unnecessary visits to health care providers, offenders shall participate in the costs of their health care services by paying an amount that is commensurate with their resources as determined by the department, or a nominal amount of no less than four dollars per visit, as determined by the secretary. Under the authority granted in RCW 72.01.050(2), the secretary may authorize the superintendent to collect this amount directly from an offender's institution account. All copayments collected from offenders' institution accounts shall be a reduction in the expenditures for offender health care at the department.
- (c) Offenders are required to make copayments for initial health care visits that are offender initiated and, by rule adopted by the department, may be charged a copayment for subsequent visits related to the medical condition which caused the initial visit.
- (d) No offender may be refused any health care service because of indigence.
- (e) At no time shall the withdrawal of funds for the payment of a medical service copayment result in reducing an offender's institution account to an amount less than the level of indigency as defined in chapter 72.09 RCW.
- (3) ((The department shall report annually to the legislature the following information for the fiscal year preceding the report: (a) The total number of health care visits made by offenders; (b) the total number of copayments assessed; (c) the total dollar amount of copayments collected; (d) the total number of copayments not collected due to an offender's indigency; and (e) the total number of copayments not assessed due to the serious or emergent nature of the health care treatment or because the health care visit was not offender initiated.

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(4))(a) The secretary shall adopt, by rule, a uniform policy relating to the distribution and replenishment of personal hygiene items for inmates incarcerated in all department institutions. The policy shall provide for the initial distribution of adequate personal hygiene items to inmates upon their arrival at an institution.

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- (b) The acquisition of replenishment personal hygiene items is the responsibility of inmates, except that indigent inmates shall not be denied adequate personal hygiene items based on their inability to pay for them.
- 11 (c) The policy shall provide that the replenishment personal 12 hygiene items be distributed to inmates only in authorized quantities 13 and at intervals that reflect prudent use and customary wear and 14 consumption of the items.
- 15 $((\frac{(5)}{(5)}))$ (4) To the extent that federal law allows and federal 16 financial participation is available, for the limited purpose of 17 implementing this section, the department, or the department's 18 designee, is authorized to act on behalf of an inmate for purposes of 19 applying for medicaid eligibility.
- 20 $((\frac{(6)}{(6)}))$ (5) The following become a debt and are subject to RCW 21 72.09.450:
- 22 (a) All copayments under subsection (2) of this section that are 23 not collected when the visit occurs; and
- 24 (b) All charges for replenishment personal hygiene items that are 25 not collected when the item is distributed.
- 26 **Sec. 9.** RCW 74.14A.060 and 2011 1st sp.s. c 32 s 10 are each 27 amended to read as follows:

Within available funds, the secretary of the department of social and health services shall support blended funding projects for youth. To be eligible for blended funding a child must be eligible for services designed to address a behavioral, mental, emotional, or substance abuse issue from the department of social and health services and require services from more than one categorical service delivery system. Before any blended funding project is established by the secretary, any entity or person proposing the project shall seek input from the public health and safety network or networks established in the catchment area of the project. The network or networks shall submit recommendations on the blended funding project to the private-public initiative described in RCW 70.305.020. The

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- 1 private-public initiative shall advise the secretary whether to approve the proposed blended funding project. The network shall 2 review the proposed blended funding project pursuant to its authority 3 to examine the decategorization of program 4 funds under RCW 70.190.110, within the current appropriation level. The department 5 б shall document the number of children who participate in blended funding projects, the total blended funding amounts per child, the 7 amount charged to each appropriation by program, and services 8 provided to each child through each blended funding project ((and 9 report this information to the appropriate committees of the 10 11 legislature by December 1st of each year, beginning in December 1, 12 2000)).
- 13 **Sec. 10.** RCW 77.85.140 and 2009 c 518 s 9 and 2009 c 345 s 8 are each reenacted and amended to read as follows:

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- (1) Habitat project lists shall be submitted to the salmon recovery funding board for funding at least once a year on a schedule established by the board. The board shall provide the legislature with a list of the proposed projects and a list of the projects funded ((by October 1st of each year for informational purposes)) as part of the biennial report required in RCW 77.85.020. Project sponsors who complete salmon habitat projects approved for funding from habitat project lists and have met grant application deadlines will be paid by the salmon recovery funding board within thirty days of project completion.
- (2) The recreation and conservation office shall track all funds allocated for salmon habitat projects and salmon recovery activities on behalf of the board, including both funds allocated by the board and funds allocated by other state or federal agencies for salmon recovery or water quality improvement.
- 30 **Sec. 11.** RCW 79A.25.350 and 2006 c 152 s 6 are each amended to read as follows:
- (1) The council shall submit ((an annual)) a biennial report of its activities to the governor and the relevant policy committees of the senate and house of representatives by December 15th of each even-numbered year. The ((annual)) report must include an evaluation of progress made in the preceding ((year)) biennium to implement or carry out the strategic plan and an identification of projects from

- the strategic plan that will be a focus for the following $((\frac{year}))$ biennium.
- 3 (2) Prior to the start of the 2011 legislative session, the 4 council must prepare a report to the appropriate committees of the
- 5 legislature that makes recommendations as to the extension or
- 6 modification of the council.
- NEW SECTION. Sec. 12. The following acts or parts of acts are 8 each repealed:
- 9 (1) RCW 18.27.342 (Report to the legislature) and 1997 c 314 s 10 19;
- 11 (2) RCW 28A.345.060 (Audit of staff classifications and 12 employees' salaries—Contract with the office of financial management 13 —Copies) and 2015 3rd sp.s. c 1 s 308, 2011 1st sp.s. c 43 s 467,
- 14 1986 c 158 s 3, & 1983 c 187 s 4;
- 15 (3) RCW 43.22.330 (Annual report) and 1977 c 75 s 49 & 1965 c 8 s 16 43.22.330;
- 17 (4) RCW 46.01.325 (Agent and subagent fees—Analysis and 18 evaluation) and 2010 1st sp.s. c 7 s 138, 2005 c 319 s 116, & 1996 c 19 315 s 3;
- 20 (5) RCW 43.88.500 (State boards, commissions, councils, and committees—Legislative finding and declaration) and 1979 c 151 s 142 22 & 1977 c 23 s 1;
- 23 (6) RCW 43.88.505 (State boards, commissions, councils, and 24 committees—Compilation of list, information) and 1979 c 151 s 143 & 25 1977 c 23 s 2;
- 26 (7) RCW 43.88.510 (State boards, commissions, councils, and committees—Submission of list and data to legislature) and 1996 c 288 s 42, 1987 c 505 s 37, 1979 c 151 s 144, & 1977 c 23 s 3; and
- 29 (8) RCW 43.88.515 (State boards, commissions, councils, and 30 committees—Agencies to submit lists, information) and 1979 c 151 s 31 145 & 1977 c 23 s 4.

Passed by the House February 17, 2016. Passed by the Senate March 4, 2016. Approved by the Governor April 1, 2016. Filed in Office of Secretary of State April 4, 2016.

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