
SENATE BILL 5837

State of Washington

54th Legislature

1995 Regular Session

By Senators Snyder, Gaspard, Haugen and Spanel

Read first time 02/08/95. Referred to Committee on Government Operations.

1 AN ACT Relating to confirmation of gubernatorial appointments;
2 amending RCW 9.94A.060, 9.94A.250, 9.95.003, 13.40.025, 18.64.001,
3 28B.07.030, 28C.18.020, 41.64.010, 43.97.025, 43.99.110, 43.180.040,
4 43.210.030, 49.04.010, 70.37.030, 72.23.025, 75.40.040, 76.09.210, and
5 88.16.010; and reenacting and amending RCW 80.50.030.

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

7 **Sec. 1.** RCW 9.94A.060 and 1993 c 11 s 1 are each amended to read
8 as follows:

9 (1) The commission consists of sixteen voting members, one of whom
10 the governor shall designate as chairperson. With the exception of ex
11 officio voting members, the voting members of the commission shall be
12 appointed by the governor(~~(, subject to confirmation by the senate)~~).

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

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

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

18 (c) Until June 30, 1998, the chair of the indeterminate sentence
19 review board, as an ex officio member;

1 (d) The chair of the clemency and pardons board, as an ex officio
2 member;

3 (e) Two prosecuting attorneys;

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

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

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

8 (i) Three members of the public who are not and have never been
9 prosecutors, attorneys, judges, or law enforcement officers.

10 In making the appointments, the governor shall seek the recommendations
11 of Washington prosecutors in respect to the prosecuting attorney
12 members, of the Washington state bar association in respect to the
13 attorney members, of the association of superior court judges in
14 respect to the members who are judges, and of the Washington
15 association of sheriffs and police chiefs in respect to the member who
16 is a law enforcement officer.

17 (3) All voting members of the commission, except ex officio voting
18 members, shall serve terms of three years and until their successors
19 are appointed (~~and confirmed~~). However, the governor shall stagger
20 the terms by appointing four of the initial members for terms of one
21 year, four for terms of two years, and four for terms of three years.

22 (4) The speaker of the house of representatives and the president
23 of the senate may each appoint two nonvoting members to the commission,
24 one from each of the two largest caucuses in each house. The members
25 so appointed shall serve two-year terms, or until they cease to be
26 members of the house from which they were appointed, whichever occurs
27 first.

28 (5) The members of the commission shall be reimbursed for travel
29 expenses as provided in RCW 43.03.050 and 43.03.060. Legislative
30 members shall be reimbursed by their respective houses as provided
31 under RCW 44.04.120(~~, as now existing or hereafter amended~~). Members
32 shall be compensated in accordance with RCW 43.03.250.

33 **Sec. 2.** RCW 9.94A.250 and 1981 c 137 s 25 are each amended to read
34 as follows:

35 (1) The clemency and pardons board is established as a board within
36 the office of the governor. The board consists of five members
37 appointed by the governor(~~, subject to confirmation by the senate~~).

1 (2) Members of the board shall serve terms of four years and until
2 their successors are appointed (~~and confirmed~~). However, the
3 governor shall stagger the terms by appointing one of the initial
4 members for a term of one year, one for a term of two years, one for a
5 term of three years, and two for terms of four years.

6 (3) The board shall elect a chairman from among its members and
7 shall adopt bylaws governing the operation of the board.

8 (4) Members of the board shall receive no compensation but shall be
9 reimbursed for travel expenses as provided in RCW 43.03.050 and
10 43.03.060 (~~as now existing or hereafter amended~~).

11 (5) The attorney general shall provide a staff as needed for the
12 operation of the board.

13 **Sec. 3.** RCW 9.95.003 and 1986 c 224 s 3 are each amended to read
14 as follows:

15 The board shall consist of a chairman and six other members, each
16 of whom shall be appointed by the governor (~~with the consent of the~~
17 ~~senate~~). Each member shall hold office for a term of five years, and
18 until his or her successor is appointed and qualified. The terms shall
19 expire on April 15th of the expiration year. Vacancies in the
20 membership of the board shall be filled by appointment by the governor
21 (~~with the consent of the senate~~). In the event of the inability of
22 any member to act, the governor shall appoint some competent person to
23 act in his or her stead during the continuance of such inability. The
24 members shall not be removable during their respective terms except for
25 cause determined by the superior court of Thurston county. The
26 governor in appointing the members shall designate one of them to serve
27 as chairman at the governor's pleasure.

28 The members of the board and its officers and employees shall not
29 engage in any other business or profession or hold any other public
30 office; nor shall they, at the time of appointment or employment or
31 during their incumbency, serve as the representative of any political
32 party on an executive committee or other governing body thereof, or as
33 an executive officer or employee of any political committee or
34 association. The members of the board shall each severally receive
35 salaries fixed by the governor in accordance with the provisions of RCW
36 43.03.040, and in addition shall receive travel expenses incurred in
37 the discharge of their official duties in accordance with RCW 43.03.050
38 and 43.03.060.

1 The board may employ, and fix, with the approval of the governor,
2 the compensation of and prescribe the duties of a secretary and such
3 officers, employees, and assistants as may be necessary, and provide
4 necessary quarters, supplies, and equipment.

5 **Sec. 4.** RCW 13.40.025 and 1986 c 288 s 8 are each amended to read
6 as follows:

7 (1) There is established a juvenile disposition standards
8 commission to propose disposition standards to the legislature in
9 accordance with RCW 13.40.030 and perform the other responsibilities
10 set forth in this chapter.

11 (2) The commission shall be composed of the secretary or the
12 secretary's designee and the following nine members appointed by the
13 governor(~~(, subject to confirmation by the senate)~~): (a) A superior
14 court judge; (b) a prosecuting attorney or deputy prosecuting attorney;
15 (c) a law enforcement officer; (d) an administrator of juvenile court
16 services; (e) a public defender actively practicing in juvenile court;
17 (f) a county legislative official or county executive; and (g) three
18 other persons who have demonstrated significant interest in the
19 adjudication and disposition of juvenile offenders. In making the
20 appointments, the governor shall seek the recommendations of the
21 association of superior court judges in respect to the member who is a
22 superior court judge; of Washington prosecutors in respect to the
23 prosecuting attorney or deputy prosecuting attorney member; of the
24 Washington association of sheriffs and police chiefs in respect to the
25 member who is a law enforcement officer; of juvenile court
26 administrators in respect to the member who is a juvenile court
27 administrator; and of the state bar association in respect to the
28 public defender member; and of the Washington association of counties
29 in respect to the member who is either a county legislative official or
30 county executive.

31 (3) The secretary or the secretary's designee shall serve as
32 chairman of the commission.

33 (4) The secretary shall serve on the commission during the
34 secretary's tenure as secretary of the department. The term of the
35 remaining members of the commission shall be three years. The initial
36 terms shall be determined by lot conducted at the commission's first
37 meeting as follows: (a) Four members shall serve a two-year term; and
38 (b) four members shall serve a three-year term. In the event of a

1 vacancy, the appointing authority shall designate a new member to
2 complete the remainder of the unexpired term.

3 (5) Commission members shall be reimbursed for travel expenses as
4 provided in RCW 43.03.050 and 43.03.060. Members shall be compensated
5 in accordance with RCW 43.03.240.

6 (6) The commission shall meet at least once every three months.

7 **Sec. 5.** RCW 18.64.001 and 1984 c 153 s 1 are each amended to read
8 as follows:

9 There shall be a state board of pharmacy consisting of seven
10 members, to be appointed by the governor (~~by and with the advice and~~
11 ~~consent of the senate~~). Five of the members shall be designated as
12 pharmacist members and two of the members shall be designated a public
13 member.

14 Each pharmacist member shall be a citizen of the United States and
15 a resident of this state, and at the time of his or her appointment
16 shall have been a duly registered pharmacist under the laws of this
17 state for a period of at least five consecutive years immediately
18 preceding his or her appointment and shall at all times during his or
19 her incumbency continue to be a duly licensed pharmacist: PROVIDED,
20 That subject to the availability of qualified candidates the governor
21 shall appoint pharmacist members representative of the areas of
22 practice and geographically representative of the state of Washington.

23 The public member shall be a citizen of the United States and a
24 resident of this state. The public member shall be appointed from the
25 public at large, but shall not be affiliated with any aspect of
26 pharmacy.

27 Members of the board shall hold office for a term of four years,
28 and the terms shall be staggered so that the terms of office of not
29 more than two members will expire simultaneously on the third Monday in
30 January of each year.

31 No person who has been appointed to and served for two four year
32 terms shall be eligible for appointment to the board.

33 Each member shall qualify by taking the usual oath of a state
34 officer, which shall be filed with the secretary of state, and each
35 member shall hold office for the term of his or her appointment and
36 until his or her successor is appointed and qualified.

1 In case of the resignation or disqualification of a member, or a
2 vacancy occurring from any cause, the governor shall appoint a
3 successor for the unexpired term.

4 **Sec. 6.** RCW 28B.07.030 and 1985 c 370 s 48 are each amended to
5 read as follows:

6 (1) The Washington higher education facilities authority is hereby
7 established as a public body corporate and politic, with perpetual
8 corporate succession, constituting an agency of the state of Washington
9 exercising essential governmental functions. The authority is a
10 "public body" within the meaning of RCW 39.53.010.

11 (2) The authority shall consist of seven members as follows: The
12 governor, lieutenant governor, executive director of the higher
13 education coordinating board, and four public members, one of whom
14 shall be the president of a higher education institution at the time of
15 appointment. The public members shall be residents of the state and
16 appointed by the governor(~~(, subject to confirmation by the senate,)~~)
17 on the basis of their interest or expertise in the provision of higher
18 education and the financing of higher education. The public members of
19 the authority shall serve for terms of four years. The initial terms
20 of the public members shall be staggered in a manner determined by the
21 governor. In the event of a vacancy on the authority due to death,
22 resignation, or removal of one of the public members, and upon the
23 expiration of the term of any public member, the governor shall appoint
24 a successor for a term expiring on the fourth anniversary of the
25 successor's date of the appointment. If any of the state offices are
26 abolished, the resulting vacancy on the authority shall be filled by
27 the state officer who shall succeed substantially to the power and
28 duties of the abolished office. Any public member of the authority may
29 be removed by the governor for misfeasance, malfeasance, wilful neglect
30 of duty, or any other cause after notice and a public hearing, unless
31 such notice and hearing shall be expressly waived in writing.

32 (3) The governor shall serve as chairperson of the authority. The
33 authority shall elect annually one of its members as secretary. If the
34 governor shall be absent from a meeting of the authority, the secretary
35 shall preside. However, the governor may designate an employee of the
36 governor's office to act on the governor's behalf in all other respects
37 during the absence of the governor at any meeting of the authority. If
38 the designation is in writing and is presented to the person presiding

1 at the meetings of the authority who is included in the designation,
2 the vote of the designee has the same effect as if cast by the
3 governor.

4 (4) Any person designated by resolution of the authority shall keep
5 a record of the proceedings of the authority and shall be the custodian
6 of all books, documents, and papers filed with the authority, the
7 minute book or a journal of the authority, and the authority's official
8 seal, if any. The person may cause copies to be made of all minutes
9 and other records and documents of the authority, and may give
10 certificates to the effect that such copies are true copies. All
11 persons dealing with the authority may rely upon the certificates.

12 (5) Four members of the authority constitute a quorum. The
13 authority may act on the basis of a motion except when authorizing the
14 issuance and sale of bonds, in which case the authority shall act by
15 resolution. Bond resolutions and other resolutions shall be adopted
16 upon the affirmative vote of four members of the authority, and shall
17 be signed by those members voting yes. Motions shall be adopted upon
18 the affirmative vote of a majority of a quorum of members present at
19 any meeting of the authority. All actions taken by the authority shall
20 take effect immediately without need for publication or other public
21 notice. A vacancy in the membership of the authority does not impair
22 the power of the authority to act under this chapter.

23 (6) The members of the authority shall be compensated in accordance
24 with RCW 43.03.240 and shall be entitled to reimbursement, solely from
25 the funds of the authority, for travel expenses as determined by the
26 authority incurred in the discharge of their duties under this chapter.

27 **Sec. 7.** RCW 28C.18.020 and 1991 c 238 s 3 are each amended to read
28 as follows:

29 (1) There is hereby created the work force training and education
30 coordinating board as a state agency and as the successor agency to the
31 state board for vocational education. Once the coordinating board has
32 convened, all references to the state board for vocational education in
33 the Revised Code of Washington shall be construed to mean the work
34 force training and education coordinating board, except that reference
35 to the state board for vocational education in RCW 49.04.030 shall mean
36 the state board for community and technical colleges.

37 (2)(a) The board shall consist of nine voting members appointed by
38 the governor (~~((with the consent of the senate,))~~) as follows: Three

1 representatives of business, three representatives of labor, and,
2 serving as ex officio members, the superintendent of public
3 instruction, the executive director of the state board for community
4 and technical colleges, and the commissioner of the employment security
5 department. The chair of the board shall be a nonvoting member
6 selected by the governor (~~with the consent of the senate~~), and shall
7 serve at the pleasure of the governor. In selecting the chair, the
8 governor shall seek a person who understands the future economic needs
9 of the state and nation and the role that the state's training system
10 has in meeting those needs. Each voting member of the board may
11 appoint a designee to function in his or her place with the right to
12 vote. In making appointments to the board, the governor shall seek to
13 ensure geographic, ethnic, and gender diversity and balance. The
14 governor shall also seek to ensure diversity and balance by the
15 appointment of persons with disabilities.

16 (b) The business representatives shall be selected from among
17 nominations provided by a state-wide business organization representing
18 a cross-section of industries. However, the governor may request, and
19 the organization shall provide, an additional list or lists from which
20 the governor shall select the business representatives. The
21 nominations and selections shall reflect the cultural diversity of the
22 state, including women, people with disabilities, and racial and ethnic
23 minorities, and diversity in sizes of businesses.

24 (c) The labor representatives shall be selected from among
25 nominations provided by state-wide labor organizations. However, the
26 governor may request, and the organizations shall provide, an
27 additional list or lists from which the governor shall select the labor
28 representatives. The nominations and selections shall reflect the
29 cultural diversity of the state, including women, people with
30 disabilities, and racial and ethnic minorities.

31 (d) Each business member may cast a proxy vote or votes for any
32 business member who is not present and who authorizes in writing the
33 present member to cast such vote.

34 (e) Each labor member may cast a proxy vote for any labor member
35 who is not present and who authorizes in writing the present member to
36 cast such vote.

37 (f) The chair shall appoint to the board one nonvoting member to
38 represent racial and ethnic minorities, women, and people with
39 disabilities. The nonvoting member appointed by the chair shall serve

1 for a term of four years with the term expiring on June 30th of the
2 fourth year of the term.

3 (g) The business members of the board shall serve for terms of four
4 years, the terms expiring on June 30th of the fourth year of the term
5 except that in the case of initial members, one shall be appointed to
6 a two-year term and one appointed to a three-year term.

7 (h) The labor members of the board shall serve for terms of four
8 years, the terms expiring on June 30th of the fourth year of the term
9 except that in the case of initial members, one shall be appointed to
10 a two-year term and one appointed to a three-year term.

11 (i) Any vacancies among board members representing business or
12 labor shall be filled by the governor with nominations provided by
13 state-wide organizations representing business or labor, respectively.

14 (j) The board shall adopt bylaws and shall meet at least bimonthly
15 and at such other times as determined by the chair who shall give
16 reasonable prior notice to the members or at the request of a majority
17 of the voting members.

18 (k) Members of the board shall be compensated in accordance with
19 RCW 43.03.040 and shall receive travel expenses in accordance with RCW
20 43.03.050 and 43.03.060.

21 (l) The board shall be formed and ready to assume its
22 responsibilities under this chapter by October 1, 1991.

23 (m) The director of the board shall be appointed by the governor
24 from a list of three names submitted by a committee made up of the
25 business and labor members of the board. However, the governor may
26 request, and the committee shall provide, an additional list or lists
27 from which the governor shall select the director. The lists compiled
28 by the committee shall not be subject to public disclosure. The
29 governor may dismiss the director only with the approval of a majority
30 vote of the board. The board, by a majority vote, may dismiss the
31 director with the approval of the governor.

32 (3) The state board for vocational education is hereby abolished
33 and its powers, duties, and functions are hereby transferred to the
34 work force training and education coordinating board. All references
35 to the director or the state board for vocational education in the
36 Revised Code of Washington shall be construed to mean the director or
37 the work force training and education coordinating board.

1 **Sec. 8.** RCW 41.64.010 and 1981 c 311 s 1 are each amended to read
2 as follows:

3 (1) There is hereby created a "personnel appeals board,"
4 hereinafter in this chapter referred to as the "board," which shall
5 consist of three members to be appointed by the governor(~~(, subject to~~
6 ~~confirmation by the senate)~~). The first board shall be appointed
7 within thirty days after May 19, 1981, for terms of two, four, and six
8 years. Thereafter, appointments shall be made for six-year terms. A
9 vacancy shall be filled by appointment by the governor for the
10 unexpired term in which the vacancy exists. Each member shall continue
11 to hold office after the expiration of the member's term until a
12 successor has been appointed. Members may be reappointed to the board
13 for successive terms. Persons appointed to the board shall be
14 qualified by experience and training in the field of administrative
15 procedures and merit principles. Such members:

16 (a) May not hold any other employment with the state;

17 (b) May not during the terms to which they are appointed be or
18 become candidates for public office, hold any other public office or
19 trust, engage in any occupation or business which interferes, or is
20 inconsistent, with their duties as members of the board, serve on or
21 under any committee of any political party, and may not have been
22 officers of a political party for a period of one year immediately
23 prior to their appointment; and

24 (c) May not for a period of one year after the termination of their
25 membership on the board, act in a representative capacity before the
26 board on any matter.

27 (2) Unless the context clearly indicates otherwise, the following
28 definitions apply to this chapter:

29 (a) "Agency" means any agency as defined in RCW 41.06.020;

30 (b) For appeals filed on or after July 1, 1981, under RCW
31 41.64.090, "board" or "personnel appeals board" means the personnel
32 appeals board created by subsection (1) of this section;

33 (c) For purposes of RCW 41.64.080 through 41.64.140 for appeals
34 filed before July 1, 1981, under RCW 41.06.170, as it existed prior to
35 or after May 19, 1981, "board" or "personnel appeals board" means the
36 state personnel board created by RCW 41.06.110.

37 **Sec. 9.** RCW 43.97.025 and 1987 c 499 s 2 are each amended to read
38 as follows:

1 (1) The governor, the Columbia River Gorge commission, and all
2 state agencies and counties are hereby directed and provided authority
3 to carry out their respective functions and responsibilities in
4 accordance with the compact executed pursuant to RCW 43.97.015, the
5 Columbia River Gorge National Scenic Area Act, and the provisions of
6 this chapter.

7 (2) The governor shall appoint three members of the Columbia River
8 Gorge commission who reside in the state of Washington, at least one of
9 whom shall be a resident of the scenic area as defined in the act.

10 (3)(a) The governing bodies of Clark, Klickitat, and Skamania
11 counties shall each appoint one member of the Columbia River Gorge
12 commission.

13 (b) In the event the governing body of a county fails to make the
14 appointments prescribed in section 5(a)(c)(1) of that act and (a) of
15 this subsection, the governor shall appoint any such member.

16 (4) Each member appointed by the governor (~~shall be subject to~~
17 ~~confirmation by the Washington state senate and~~) shall serve at the
18 pleasure of the governor until their term shall expire or until a
19 disqualifying change in residence.

20 (5) Of those members appointed to the Columbia River Gorge
21 commission by the governing body of the counties of Clark, Klickitat,
22 and Skamania, the governor shall designate one member to serve for a
23 term of five years and one to serve for six years. Of those members
24 appointed directly by the governor pursuant to RCW 43.97.015, the
25 governor shall designate one to serve a term of five years and one to
26 serve a term of six years. All other members shall serve a period of
27 four years.

28 Neither the governor nor governing body of any of the counties may
29 appoint federal, state, or local elected or appointed officials as
30 members to the Columbia River Gorge commission.

31 Vacancies shall be filled in accordance with the appointing
32 procedure for the commission member occupying the seat before its
33 vacancy.

34 **Sec. 10.** RCW 43.99.110 and 1994 c 264 s 31 are each amended to
35 read as follows:

36 There is created the interagency committee for outdoor recreation
37 consisting of the commissioner of public lands, the director of parks
38 and recreation, and the director of fish and wildlife, or their

1 designees, and, by appointment of the governor (~~with the advice and~~
2 ~~consent of the senate~~)), five members from the public at large who have
3 a demonstrated interest in and a general knowledge of outdoor
4 recreation in the state. The terms of members appointed from the
5 public at large shall commence on January 1st of the year of
6 appointment and shall be for three years or until a successor is
7 appointed, except in the case of appointments to fill vacancies which
8 shall be for the remainder of the unexpired term; provided the first
9 such members shall be appointed for terms as follows: One member for
10 one year, two members for two years, and two members for three years.
11 The governor shall appoint one of the members from the public at large
12 to serve as chairman of the committee for the duration of the member's
13 term. Members employed by the state shall serve without additional pay
14 and participation in the work of the committee shall be deemed
15 performance of their employment. Members from the public at large
16 shall be compensated in accordance with RCW 43.03.240 and shall be
17 entitled to reimbursement individually for travel expenses incurred in
18 performance of their duties as members of the committee in accordance
19 with RCW 43.03.050 and 43.03.060.

20 **Sec. 11.** RCW 43.180.040 and 1985 c 6 s 14 are each amended to read
21 as follows:

22 (1) There is hereby established a public body corporate and
23 politic, with perpetual corporate succession, to be known as the
24 Washington state housing finance commission. The commission is an
25 instrumentality of the state exercising essential government functions
26 and, for purposes of the code, acts as a constituted authority on
27 behalf of the state when it issues bonds pursuant to this chapter. The
28 commission is a "public body" within the meaning of RCW 39.53.010.

29 (2) The commission shall consist of the following voting members:

30 (a) The state treasurer, ex officio;

31 (b) The director of community, trade, and economic development, ex
32 officio;

33 (c) An elected local government official, ex officio, with
34 experience in local housing programs, who shall be appointed by the
35 governor (~~with the consent of the senate~~);

36 (d) A representative of housing consumer interests, appointed by
37 the governor (~~with the consent of the senate~~);

1 (e) A representative of labor interests, appointed by the governor,
2 (~~with the consent of the senate,~~) after consultation with
3 representatives of organized labor;

4 (f) A representative of low-income persons, appointed by the
5 governor (~~with the consent of the senate~~);

6 (g) Five members of the public appointed by the governor(~~, with~~
7 ~~the consent of the senate,~~) on the basis of geographic distribution
8 and their expertise in housing, real estate, finance, energy
9 efficiency, or construction, one of whom shall be appointed by the
10 governor as chair of the commission and who shall serve on the
11 commission and as chair of the commission at the pleasure of the
12 governor.

13 The term of the persons appointed by the governor, other than the
14 chair, shall be four years from the date of their appointment, except
15 that the terms of three of the initial appointees shall be for two
16 years from the date of their appointment. The governor shall designate
17 the appointees who will serve the two-year terms. An appointee may be
18 removed by the governor for cause pursuant to RCW 43.06.070 and
19 43.06.080. The governor shall fill any vacancy in an appointed
20 position by appointment for the remainder of the unexpired term. If
21 the department of community, trade, and economic development is
22 abolished, the resulting vacancy shall be filled by a state official
23 who shall be appointed to the commission by the governor. (~~If this~~
24 ~~official occupies an office or position for which senate confirmation~~
25 ~~is not required, then his appointment to the commission shall be~~
26 ~~subject to the consent of the senate.~~) The members of the commission
27 shall be compensated in accordance with RCW 43.03.240 and may be
28 reimbursed, solely from the funds of the commission, for expenses
29 incurred in the discharge of their duties under this chapter, subject
30 to the provisions of RCW 43.03.050 and 43.03.060. A majority of the
31 commission constitutes a quorum. Designees shall be appointed in such
32 manner and shall exercise such powers as are specified by the rules of
33 the commission.

34 (3) The commission may adopt an official seal and may select from
35 its membership a vice chair, a secretary, and a treasurer. The
36 commission shall establish rules concerning its exercise of the powers
37 authorized by this chapter. The rules shall be adopted in conformance
38 with chapter 34.05 RCW.

1 **Sec. 12.** RCW 43.210.030 and 1991 c 314 s 15 are each amended to
2 read as follows:

3 The small business export finance assistance center and its
4 branches shall be governed and managed by a board of nineteen directors
5 appointed by the governor (~~and confirmed by the senate~~). The
6 directors shall serve terms of six years except that two of the
7 original directors shall serve for two years and two of the original
8 directors shall serve for four years. The directors may provide for
9 the payment of their expenses. The directors shall include a
10 representative of a not-for-profit corporation formed for the purpose
11 of facilitating economic development, at least two representatives of
12 state financial institutions engaged in the financing of export
13 transactions, a representative of a port district, and a representative
14 of organized labor. Of the remaining board members, there shall be one
15 representative of business from the area west of Puget Sound, one
16 representative of business from the area east of Puget Sound and west
17 of the Cascade range, one representative of business from the area east
18 of the Cascade range and west of the Columbia river, one representative
19 of business from the area east of the Columbia river, the director of
20 the department of community, trade, and economic development, and the
21 director of the department of agriculture. One of the directors shall
22 be a representative of the public selected from the area in the state
23 west of the Cascade mountain range and one director shall be a
24 representative of the public selected from that area of the state east
25 of the Cascade mountain range. One director shall be a representative
26 of the public at large. The directors shall be broadly representative
27 of geographic areas of the state, and the representatives of businesses
28 shall represent at least four different industries in different sized
29 businesses as follows: (a) One representative of a company employing
30 fewer than one hundred persons; (b) one representative of a company
31 employing between one hundred and five hundred persons; (c) one
32 representative of a company employing more than five hundred persons;
33 (d) one representative from an export management company; and (e) one
34 representative from an agricultural or food processing company. Any
35 vacancies on the board due to the expiration of a term or for any other
36 reason shall be filled by appointment by the governor for the unexpired
37 term.

1 **Sec. 13.** RCW 49.04.010 and 1984 c 287 s 97 are each amended to
2 read as follows:

3 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 shall appoint a public member to the apprenticeship council for a
12 three-year term. (~~The appointment of the public member is subject to~~
13 ~~confirmation by the senate.~~) Each member shall hold office until his
14 or her successor is appointed and has qualified and any vacancy shall
15 be filled by appointment for the unexpired portion of the term. The
16 state official who has been designated by the commission for vocational
17 education as being in charge of trade and industrial education and the
18 state official who has immediate charge of the state public employment
19 service shall ex officio be members of (~~said~~) the council, without
20 vote. Each member of the council, not otherwise compensated by public
21 moneys, shall be reimbursed for travel expenses in accordance with RCW
22 43.03.050 and 43.03.060 and shall be compensated in accordance with RCW
23 43.03.240. The apprenticeship council with the consent of employer and
24 employer groups shall: (1) Establish standards for apprenticeship
25 agreements in conformity with the provisions of this chapter; (2) issue
26 such rules and regulations as may be necessary to carry out the intent
27 and purposes of this chapter, including a procedure to resolve an
28 impasse should a tie vote of the council occur; and (3) perform such
29 other duties as are hereinafter imposed. Not less than once a year the
30 apprenticeship council shall make a report to the director of labor and
31 industries of its activities and findings which shall be available to
32 the public.

33 **Sec. 14.** RCW 70.37.030 and 1989 1st ex.s. c 9 s 261 are each
34 amended to read as follows:

35 There is hereby established a public body corporate and politic,
36 with perpetual corporate succession, to be known as the Washington
37 health care facilities authority. The authority shall constitute a
38 political subdivision of the state established as an instrumentality

1 exercising essential governmental functions. The authority is a
2 "public body" within the meaning of RCW 39.53.010(~~(, as now or~~
3 ~~hereafter amended)~~). The authority shall consist of the governor who
4 shall serve as chairman, the lieutenant governor, the insurance
5 commissioner, the secretary of health, and one member of the public who
6 shall be appointed by the governor(~~(, subject to confirmation by the~~
7 ~~senate,~~) on the basis of the member's interest or expertise in health
8 care delivery, for a term expiring on the fourth anniversary of the
9 date of appointment. In the event that any of the offices referred to
10 shall be abolished the resulting vacancy on the authority shall be
11 filled by the officer who shall succeed substantially to the powers and
12 duties thereof. The members of the authority shall be compensated in
13 accordance with RCW 43.03.240 and shall be entitled to reimbursement,
14 solely from the funds of the authority, for travel expenses incurred in
15 the discharge of their duties under this chapter, subject to the
16 provisions of RCW 43.03.050 and 43.03.060. A majority shall constitute
17 a quorum.

18 The governor may designate an employee of the governor's office to
19 act on behalf of the governor during the absence of the governor at one
20 or more of the meetings of the authority. The vote of the designee
21 shall have the same effect as if cast by the governor if the
22 designation is in writing and is presented to the person presiding at
23 the meetings included within the designation.

24 The governor may designate a member to preside during the
25 governor's absence.

26 **Sec. 15.** RCW 72.23.025 and 1992 c 230 s 1 are each amended to read
27 as follows:

28 (1) It is the intent of the legislature to improve the quality of
29 service at state hospitals, eliminate overcrowding, and more
30 specifically define the role of the state hospitals. The legislature
31 intends that eastern and western state hospitals shall become clinical
32 centers for handling the most complicated long-term care needs of
33 patients with a primary diagnosis of mental disorder. Over the next
34 six years, their involvement in providing short-term, acute care, and
35 less complicated long-term care shall be diminished in accordance with
36 the revised responsibilities for mental health care under chapter 71.24
37 RCW. To this end, the legislature intends that funds appropriated for
38 mental health programs, including funds for regional support networks

1 and the state hospitals be used for persons with primary diagnosis of
2 mental disorder. The legislature finds that establishment of the
3 eastern state hospital board, the western state hospital board, and
4 institutes for the study and treatment of mental disorders at both
5 eastern state hospital and western state hospital will be instrumental
6 in implementing the legislative intent.

7 (2)(a) The eastern state hospital board and the western state
8 hospital board are each established. Members of the boards shall be
9 appointed by the governor (~~with the consent of the senate~~). Each
10 board shall include:

11 (i) The director of the institute for the study and treatment of
12 mental disorders established at the hospital;

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

14 (iii) One consumer of services;

15 (iv) One community mental health service provider;

16 (v) Two citizens with no financial or professional interest in
17 mental health services;

18 (vi) One representative of the regional support network in which
19 the hospital is located;

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

21 (viii) One representative from the nursing staff;

22 (ix) One representative from the other professional staff;

23 (x) One representative from the nonprofessional staff; and

24 (xi) One representative of a minority community.

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

27 (c) Members shall serve four-year terms. Members of the board
28 shall be reimbursed for travel expenses as provided in RCW 43.03.050
29 and 43.03.060 and shall receive compensation as provided in RCW
30 43.03.240.

31 (3) The boards established under this section shall:

32 (a) Monitor the operation and activities of the hospital;

33 (b) Review and advise on the hospital budget;

34 (c) Make recommendations to the governor and the legislature for
35 improving the quality of service provided by the hospital;

36 (d) Monitor and review the activities of the hospital in
37 implementing the intent of the legislature set forth in this section;

38 (e) Report periodically to the governor and the legislature on the
39 implementation of the legislative intent set forth in this section; and

1 (f) Consult with the secretary regarding persons the secretary may
2 select as the superintendent of the hospital whenever a vacancy occurs.

3 (4)(a) There is established at eastern state hospital and western
4 state hospital, institutes for the study and treatment of mental
5 disorders. The institutes shall be operated by joint operating
6 agreements between state colleges and universities and the department
7 of social and health services. The institutes are intended to conduct
8 training, research, and clinical program development activities that
9 will directly benefit mentally ill persons receiving treatment in
10 Washington state by performing the following activities:

11 (i) Promote recruitment and retention of highly qualified
12 professionals at the state hospitals and community mental health
13 programs;

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

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

19 (iv) Promote bilateral understanding of treatment orientation,
20 possibilities, and challenges between state hospital professionals and
21 community mental health professionals.

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

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

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

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

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

38 (c) Notwithstanding any other provisions of law to the contrary,
39 the institutes may enter into agreements with the department or the

1 state hospitals which may involve changes in staffing necessary to
2 implement improved patient care programs contemplated by this section.

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

6 **Sec. 16.** RCW 75.40.040 and 1983 1st ex.s. c 46 s 152 are each
7 amended to read as follows:

8 The director, ex officio, and two appointees of the governor
9 representing the fishing industry shall act as the representatives of
10 this state on the Pacific Marine Fisheries Commission. ((The
11 appointees of the governor are subject to confirmation by the state
12 senate.))

13 **Sec. 17.** RCW 76.09.210 and 1979 ex.s. c 47 s 4 are each amended to
14 read as follows:

15 (1) There is hereby created within the environmental hearings
16 office under RCW 43.21B.005 the forest practices appeals board of the
17 state of Washington.

18 (2) The forest practices appeals board shall consist of three
19 members qualified by experience and training in pertinent matters
20 pertaining to the environment, and at least one member of the appeals
21 board shall have been admitted to the practice of law in this state and
22 shall be engaged in the legal profession at the time of his or her
23 appointment. The appeals board shall be appointed by the governor
24 ((with the advice and consent of the senate)), and no more than two of
25 the members at the time of appointment or during their term shall be
26 members of the same political party.

27 (3) Members shall be appointed for a term of six years and shall
28 serve until their successors are appointed and have qualified. In case
29 of a vacancy, it shall be filled by appointment by the governor for the
30 unexpired portion of the term in which such vacancy occurs. The terms
31 of the first three members of the appeals board shall be staggered so
32 that their terms shall expire after two, four, and six years.

33 (4) Any member may be removed for inefficiency, malfeasance or
34 misfeasance in office, upon specific written charges filed by the
35 governor, who shall transmit such written charges to the member accused
36 and to the chief justice of the supreme court. The chief justice shall
37 thereupon designate a tribunal composed of three judges of the superior

1 court to hear and adjudicate the charges. Such tribunal shall fix the
2 time of the hearing, which shall be public, and the procedure for the
3 hearing, and the decision of such tribunal shall be final and not
4 subject to review by the supreme court. Removal of any member by the
5 tribunal shall disqualify such member for reappointment.

6 (5) Each member of the appeals board:

7 (a) Shall not be a candidate for nor hold any other public office
8 or trust, and shall not engage in any occupation or business
9 interfering with or inconsistent with his or her duty as a member, nor
10 shall he or she serve on or under any committee of any political party;
11 and

12 (b) Shall not for a period of one year after the termination of his
13 or her membership, act in a representative capacity before the appeals
14 board on any matter.

15 **Sec. 18.** RCW 80.50.030 and 1994 c 264 s 75 and 1994 c 154 s 315
16 are each reenacted and amended to read as follows:

17 (1) There is created and established the energy facility site
18 evaluation council.

19 (2)(a) The chairman of the council shall be appointed by the
20 governor (~~((with the advice and consent of the senate))~~), shall have a
21 vote on matters before the council, shall serve for a term coextensive
22 with the term of the governor, and is removable for cause. The
23 chairman may designate a member of the council to serve as acting
24 chairman in the event of the chairman's absence. The chairman is a
25 "state employee" for the purposes of chapter 42.52 RCW. As applicable,
26 when attending meetings of the council, members may receive
27 reimbursement for travel expenses in accordance with RCW 43.03.050 and
28 43.03.060, and are eligible for compensation under RCW 43.03.240.

29 (b) The chairman or a designee shall execute all official
30 documents, contracts, and other materials on behalf of the council.
31 The Washington state energy office shall provide all administrative and
32 staff support for the council. The director of the energy office has
33 supervisory authority over the staff of the council and shall employ
34 such personnel as are necessary to implement this chapter. Not more
35 than three such employees may be exempt from chapter 41.06 RCW.

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

- 1 (a) Department of ecology;
- 2 (b) Department of fish and wildlife;
- 3 (c) Parks and recreation commission;
- 4 (d) Department of health;
- 5 (e) State energy office;
- 6 (f) Department of community, trade, and economic development;
- 7 (g) Utilities and transportation commission;
- 8 (h) Office of financial management;
- 9 (i) Department of natural resources;
- 10 (j) Department of agriculture;
- 11 (k) Department of transportation.

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

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

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

36 **Sec. 19.** RCW 88.16.010 and 1991 c 200 s 1001 are each amended to
37 read as follows:

1 (1) The board of pilotage commissioners of the state of Washington
2 is hereby created and shall consist of the assistant secretary of
3 marine transportation of the department of transportation of the state
4 of Washington, or the assistant secretary's designee who shall be an
5 employee of the marine division, who shall be chairperson, the
6 administrator of the office of marine safety, or the administrator's
7 designee, and seven members appointed by the governor (~~and confirmed~~
8 ~~by the senate~~). Each of the appointed commissioners shall be
9 appointed for a term of four years from the date of the member's
10 commission. No person shall be eligible for appointment to the board
11 unless that person is at the time of appointment eighteen years of age
12 or over and a citizen of the United States and of the state of
13 Washington. Two of the appointed commissioners shall be pilots
14 licensed under this chapter and actively engaged in piloting upon the
15 waters covered by this chapter for at least three years immediately
16 preceding the time of appointment and while serving on the board. One
17 pilot shall be from the Puget Sound pilotage district and one shall be
18 from the Grays Harbor pilotage district. Two of the appointed
19 commissioners shall be actively engaged in the ownership, operation, or
20 management of deep sea cargo and/or passenger carrying vessels for at
21 least three years immediately preceding the time of appointment and
22 while serving on the board(~~(-)~~), with one (~~(of said shipping~~
23 ~~commissioners shall be a representative of)~~) representing American and
24 one (~~(of)~~) representing foreign shipping. One of the commissioners
25 shall be a representative from a recognized environmental organization
26 concerned with marine waters. The remaining commissioners shall be
27 persons interested in and concerned with pilotage, maritime safety, and
28 marine affairs, with broad experience related to the maritime industry
29 exclusive of experience as either a state licensed pilot or as a
30 shipping representative.

31 (2) Any vacancy in an appointed position on the board shall be
32 filled by the governor for the remainder of the unfilled term(~~(-~~
33 ~~subject to confirmation by the senate)~~).

34 (3) Five members of the board shall constitute a quorum. At least
35 one pilot, one shipping representative, and one public member must be
36 present at every meeting. All commissioners and the chairperson shall
37 have a vote.

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