

HB 1927 - H AMD 115

By Representative Hudgins

ADOPTED 03/06/2017

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

3 "Sec. 1. RCW 4.84.360 and 1995 c 403 s 904 are each amended to
4 read as follows:

5 Fees and other expenses awarded under RCW 4.84.340 and 4.84.350
6 shall be paid by the agency over which the party prevails from
7 operating funds appropriated to the agency within sixty days.
8 (~~Agencies paying fees and other expenses pursuant to RCW 4.84.340~~
9 ~~and 4.84.350 shall report all payments to the office of financial~~
10 ~~management within five days of paying the fees and other expenses.~~)
11 Fees and other expenses awarded by the court shall be subject to the
12 provisions of chapter 39.76 RCW and shall be deemed payable on the
13 date the court announces the award.

14 Sec. 2. RCW 38.40.030 and 1989 c 19 s 47 are each amended to
15 read as follows:

16 If any member of the organized militia is injured, incapacitated,
17 or otherwise disabled while in active state service or inactive duty
18 as a member of the organized militia, he or she shall receive from
19 the state of Washington just and reasonable relief in the amount to
20 be determined as provided in this section, including necessary
21 medical care. If the member dies from disease contracted or injury
22 received or is killed while in active state service or inactive duty
23 under order of the governor, then the dependents of the deceased
24 shall receive such compensation as may be allowed as provided in this
25 section. If the United States or any agent thereof, in accordance
26 with any federal statute or regulation, furnishes monetary
27 assistance, benefits, or other temporary or permanent relief to
28 militia members or to their dependents for injuries arising out of
29 and occurring in the course of their activities as militia members,
30 but not including Social Security benefits, then the amount of
31 compensation which any militia member or his or her dependents are

1 otherwise entitled to receive from the state of Washington as
2 provided in this section shall be reduced by the amount of monetary
3 assistance, benefits, or other temporary or permanent relief the
4 militia member or his or her dependents have received and will
5 receive from the United States or any agent thereof as a result of
6 his or her injury. All claims arising under this section shall be
7 inquired into by a board of three officers, at least one being a
8 medical officer, to be appointed by the adjutant general. The board
9 has the same power to take evidence, administer oaths, issue
10 subpoenas, compel witnesses to attend and testify and produce books
11 and papers, and punish their failure to do so as is possessed by a
12 general court martial. The amount of compensation or benefits payable
13 shall conform as nearly as possible to the general schedule of
14 payments and awards provided under the workers' compensation law in
15 effect in the state of Washington at the time the disability or death
16 occurred. The findings of the board shall be reviewed by the adjutant
17 general (~~and submitted to the governor~~) for final approval. The
18 (~~reviewing officer or the governor~~) adjutant general may return the
19 proceedings for revision or for the taking of further testimony. The
20 action of the board when finally approved by the (~~governor~~)
21 adjutant general is final and conclusive and constitutes the fixed
22 award for the injury or loss and is a debt of the state of
23 Washington.

24 **Sec. 3.** RCW 43.03.049 and 2011 1st sp.s. c 21 s 63 are each
25 amended to read as follows:

26 Exceptions to restrictions on subsistence, lodging, or travel
27 expenses under this chapter may be granted for the critically
28 necessary work of an agency. For boards, commissions, councils,
29 committees, or similar groups in agencies of the executive branch,
30 the exceptions shall be subject to approval by the (~~director of~~
31 ~~financial management or the director's designee~~) agency head or
32 authorized designee. For boards, commissions, councils, committees,
33 or similar groups in the executive branch under the purview of a
34 separately elected official, president of an institution of higher
35 education, chair, or executive director, the exceptions shall be
36 subject to approval of the separately elected official, president of
37 an institution of higher education, chair, or executive director. For
38 agencies of the judicial branch, the exceptions shall be subject to
39 approval of the chief justice of the supreme court. For the house of

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

11 **Sec. 4.** RCW 43.08.015 and 1993 c 500 s 3 are each amended to
12 read as follows:

13 Within the policies and procedures established pursuant to RCW
14 43.41.110(13) and 43.88.160(1), the state treasurer shall take such
15 actions as are necessary to ensure the effective cash management of
16 public funds. This cash management shall include the authority to
17 represent the state in all contractual relationships with financial
18 institutions. The state treasurer may delegate cash management
19 responsibilities to the affected agencies (~~with the concurrence of~~
20 ~~the office of financial management~~)).

21 **Sec. 5.** RCW 43.320.090 and 1993 c 472 s 23 are each amended to
22 read as follows:

23 (1) It shall be unlawful for the director of financial
24 institutions, any deputized assistant of the director, or any
25 employee of the department of financial institutions to borrow money
26 from any bank, consumer loan company, credit union, foreign bank
27 branch, savings bank, savings and loan association, or trust company
28 or department, securities broker-dealer or investment advisor, or
29 similar lending institution under the department's direct
30 jurisdiction unless the extension of credit:

31 (a) Is made on substantially the same terms (including interest
32 rates and collateral) as, and following credit underwriting
33 procedures that are not less stringent than, those prevailing at the
34 time for comparable transactions by the financial institution with
35 other persons that are not employed by either the department or the
36 institution; and

37 (b) Does not involve more than the normal risk of repayment or
38 present other unfavorable features.

1 (2) (~~The director of the office of financial management shall~~
2 ~~adopt rules, policies, and procedures interpreting and implementing~~
3 ~~this section.~~

4 ~~(3))~~ Every person who knowingly violates this section shall
5 forfeit his or her office or employment and be guilty of a gross
6 misdemeanor.

7 **Sec. 6.** RCW 43.41.230 and 1994 sp.s. c 9 s 874 are each amended
8 to read as follows:

9 (1) The director must compile, and revise within ninety days
10 after the beginning of each biennium, a current list of all permanent
11 and temporary, statutory and nonstatutory boards, commissions,
12 councils, committees, and other groups of similar nomenclature that
13 are established by the executive branch of state government and whose
14 members are eligible to receive travel expenses for their meetings in
15 accordance with RCW 43.03.050 and 43.03.060.

16 (2) The boards and commissions to be reviewed by the governor
17 under RCW 43.41.220 must be all entities (~~that are required to be~~
18 included in the list prepared by the office of financial management
19 under RCW 43.88.505)) included in the list required in subsection (1)
20 of this section, other than entities established under: (~~(1))~~ (a)
21 Constitutional mandate; (~~(2))~~ (b) court order or rule; (~~(3))~~ (c)
22 requirement of federal law; or (~~(4))~~ (d) requirement as a condition
23 of the state or a local government receiving federal financial
24 assistance if, in the judgment of the governor, no other state
25 agency, board, or commission would satisfy the requirement.

26 **Sec. 7.** RCW 43.41.240 and 1998 c 245 s 64 are each amended to
27 read as follows:

28 A new nonstatutory board or commission (~~(not established or~~
29 ~~required in statute that must be included in the report required by~~
30 ~~RCW 43.88.505)) subject to governor review under RCW 43.41.220 may
31 not be established without the express approval of the director of
32 financial management.~~

33 NEW SECTION. **Sec. 8.** The following sections are decodified:

- 34 (1) RCW 43.41.901 (Construction—1977 ex.s. c 270);
35 (2) RCW 43.41.940 (Central budget agency abolished); and
36 (3) RCW 43.41.950 (Saving—1969 ex.s. c 239).

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

3 (1) RCW 28B.15.101 (Authority to modify tuition rates—
4 Performance-based measures and goals—Institutional performance plans)
5 and 2011 1st sp.s. c 10 s 5;

6 (2) RCW 43.41.250 (Criteria for new board or commission not
7 established or required by statute) and 1994 sp.s. c 9 s 876; and

8 (3) RCW 43.41.905 (Interagency task force on unintended
9 pregnancy) and 1997 c 58 s 1001."

10 Correct the title.

EFFECT: Restores provisions requiring the Governor to review and report on boards and commissions that should be terminated or consolidated, as well as OFM authority to approve any new nonstatutory board or commission.

Requires OFM to produce a list of all statutory and nonstatutory boards and commissions at the beginning of each biennium.

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