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**SENATE BILL 5924**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By Senator McCaslin.**

Read first time March 5, 1991. Referred to Committee on Governmental Operations.

1            AN    ACT    Relating to senate confirmation of gubernatorial  
2 appointments; amending RCW 9.46.040, 9.94A.060, 9.94A.250, 9.95.003,  
3 13.40.025, 18.64.001, 28B.07.030, 28B.16.060, 28B.25.030, 28B.50.050,  
4 28B.80.390, 28B.80.410, 34.12.010, 38.12.010, 39.19.030, 41.05.021,  
5 41.06.110, 41.50.020, 41.58.010, 41.64.010, 42.17.350, 43.17.020,  
6 43.20A.040, 43.21A.050, 43.21B.020, 43.21F.035, 43.23.002, 43.31.105,  
7 43.33A.020, 43.41.060, 43.43.020, 43.51.020, 43.52.374, 43.52A.030,  
8 43.52A.040, 43.60A.030, 43.63A.040, 43.78.010, 43.97.025, 43.99.110,  
9 43.105.047, 43.180.040, 43.210.030, 46.01.090, 47.01.051, 47.64.280,  
10 49.04.010, 49.60.050, 50.08.010, 51.52.010, 66.08.012, 67.16.012,  
11 67.70.030, 70.37.030, 70.47.040, 70.148.030, 72.09.030, 72.23.025,  
12 74.18.020, 74.18.040, 75.40.040, 76.09.210, 77.04.030, 78.52.020,  
13 80.01.010, 80.50.030, 82.03.020, 88.16.010, and 90.70.011; reenacting  
14 and amending RCW 28B.65.040 and 67.70.050; and repealing RCW 43.06.092  
15 and 70.39.040.

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

1       **Sec. 1.** RCW 9.46.040 and 1974 ex.s. c 155 s 12 are each amended to  
2 read as follows:

3       There shall be a commission, known as the "Washington state  
4 gambling commission(~~(")~~)," consisting of five members appointed by the  
5 governor (~~((with the consent of the senate))~~). The members of the  
6 commission shall be appointed within thirty days of July 16, 1973, for  
7 terms beginning July 1, 1973, and expiring as follows: One member of  
8 the commission for a term expiring July 1, 1975; one member of the  
9 commission for a term expiring July 1, 1976; one member of the  
10 commission for a term expiring July 1, 1977; one member of the  
11 commission for a term expiring July 1, 1978; and one member of the  
12 commission for a term expiring July 1, 1979; each as the governor so  
13 determines. Their successors, all of whom shall be citizen members  
14 appointed by the governor (~~((with the consent of the senate))~~), upon  
15 being appointed and qualified, shall serve six year terms(~~(:—PROVIDED,~~  
16 ~~That))~~). No member of the commission who has served a full six year  
17 term (~~((shall be))~~) is eligible for reappointment. In case of a vacancy,  
18 it shall be filled by appointment by the governor for the unexpired  
19 portion of the term in which said vacancy occurs. No vacancy in the  
20 membership of the commission shall impair the right of the remaining  
21 member or members to act, except as in RCW 9.46.050(2) provided.

22       In addition to the members of the commission there shall be four ex  
23 officio members without vote from the legislature consisting of: (1)  
24 Two members of the senate, one from the majority political party and  
25 one from the minority political party, both to be appointed by the  
26 president of the senate; (2) two members of the house of  
27 representatives, one from the majority political party and one from the  
28 minority political party, both to be appointed by the speaker of the  
29 house of representatives; such appointments shall be for the term of  
30 two years or for the period in which the appointee serves as a

1 legislator, whichever expires first; members may be reappointed;  
2 vacancies shall be filled in the same manner as original appointments  
3 are made. Such ex officio members who shall collect data deemed  
4 essential to future legislative proposals and exchange information with  
5 the board shall be deemed engaged in legislative business while in  
6 attendance upon the business of the board and shall be limited to such  
7 allowances therefor as otherwise provided in RCW 44.04.120, the same to  
8 be paid from the "gambling revolving fund" as being expenses relative  
9 to commission business.

10 **Sec. 2.** RCW 9.94A.060 and 1988 c 157 s 2 are each amended to read  
11 as follows:

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

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

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

19 (b) The director of financial management, as an ex officio member;

20 (c) Until July 1, 1992, the chair of the indeterminate  
21 (~~sentencing~~) sentence review board, as an ex officio member, and  
22 thereafter the chair of the clemency and pardons board, as an ex  
23 officio member;

24 (d) Two prosecuting attorneys;

25 (e) Two attorneys with particular expertise in defense work;

26 (f) Four persons who are superior court judges;

27 (g) One person who is the chief law enforcement officer of a county  
28 or city;

1 (h) Three members of the public who are not and have never been  
2 prosecutors, attorneys, judges, or law enforcement officers.  
3 In making the appointments, the governor shall seek the recommendations  
4 of Washington prosecutors in respect to the prosecuting attorney  
5 members, of the Washington state bar association in respect to the  
6 attorney members, of the association of superior court judges in  
7 respect to the members who are judges, and of the Washington  
8 association of sheriffs and police chiefs in respect to the member who  
9 is a law enforcement officer.

10 (3) All voting members of the commission, except ex officio voting  
11 members, shall serve terms of three years and until their successors  
12 are appointed and ~~((confirmed))~~ take office. However, the governor  
13 shall stagger the terms by appointing four of the initial members for  
14 terms of one year, four for terms of two years, and four for terms of  
15 three years.

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

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

27 **Sec. 3.** RCW 9.94A.250 and 1981 c 137 s 25 are each amended to read  
28 as follows:

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

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

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

11 (4) Members of the board shall receive no compensation but shall be  
12 reimbursed for travel expenses as provided in RCW 43.03.050 and  
13 43.03.060 (~~(as now existing or hereafter amended)~~).

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

16 **Sec. 4.** RCW 9.95.003 and 1986 c 224 s 3 are each amended to read  
17 as follows:

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

1 appointing the members shall designate one of them to serve as chairman  
2 at the governor's pleasure.

3 The members of the board and its officers and employees shall not  
4 engage in any other business or profession or hold any other public  
5 office; nor shall they, at the time of appointment or employment or  
6 during their incumbency, serve as the representative of any political  
7 party on an executive committee or other governing body thereof, or as  
8 an executive officer or employee of any political committee or  
9 association. The members of the board shall each severally receive  
10 salaries fixed by the governor in accordance with the provisions of RCW  
11 43.03.040, and in addition shall receive travel expenses incurred in  
12 the discharge of their official duties in accordance with RCW 43.03.050  
13 and 43.03.060.

14 The board may employ, and fix, with the approval of the governor,  
15 the compensation of and prescribe the duties of a secretary and such  
16 officers, employees, and assistants as may be necessary, and provide  
17 necessary quarters, supplies, and equipment.

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

20 (1) There is established a juvenile disposition standards  
21 commission to propose disposition standards to the legislature in  
22 accordance with RCW 13.40.030 and perform the other responsibilities  
23 set forth in this chapter.

24 (2) The commission shall be composed of the secretary or the  
25 secretary's designee and the following nine members appointed by the  
26 governor(~~(, subject to confirmation by the senate)~~): (a) A superior  
27 court judge; (b) a prosecuting attorney or deputy prosecuting attorney;  
28 (c) a law enforcement officer; (d) an administrator of juvenile court  
29 services; (e) a public defender actively practicing in juvenile court;

1 (f) a county legislative official or county executive; and (g) three  
2 other persons who have demonstrated significant interest in the  
3 adjudication and disposition of juvenile offenders. In making the  
4 appointments, the governor shall seek the recommendations of the  
5 association of superior court judges in respect to the member who is a  
6 superior court judge; of Washington prosecutors in respect to the  
7 prosecuting attorney or deputy prosecuting attorney member; of the  
8 Washington association of sheriffs and police chiefs in respect to the  
9 member who is a law enforcement officer; of juvenile court  
10 administrators in respect to the member who is a juvenile court  
11 administrator; and of the state bar association in respect to the  
12 public defender member; and of the Washington association of counties  
13 in respect to the member who is either a county legislative official or  
14 county executive.

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

17 (4) The secretary shall serve on the commission during the  
18 secretary's tenure as secretary of the department. The term of the  
19 remaining members of the commission shall be three years. The initial  
20 terms shall be determined by lot conducted at the commission's first  
21 meeting as follows: (a) Four members shall serve a two-year term; and  
22 (b) four members shall serve a three-year term. In the event of a  
23 vacancy, the appointing authority shall designate a new member to  
24 complete the remainder of the unexpired term.

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

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

1       **Sec. 6.** RCW 18.64.001 and 1984 c 153 s 1 are each amended to read  
2 as follows:

3       There shall be a state board of pharmacy consisting of seven  
4 members, to be appointed by the governor (~~by and with the advice and~~  
5 ~~consent of the senate~~). Five of the members shall be designated as  
6 pharmacist members and two of the members shall be designated a public  
7 member.

8       Each pharmacist member shall be a citizen of the United States and  
9 a resident of this state, and at the time of his appointment shall have  
10 been a duly registered pharmacist under the laws of this state for a  
11 period of at least five consecutive years immediately preceding his  
12 appointment and shall at all times during his incumbency continue to be  
13 a duly licensed pharmacist(~~(:—PROVIDED, That)~~). Subject to the  
14 availability of qualified candidates the governor shall appoint  
15 pharmacist members representative of the areas of practice and  
16 geographically representative of the state of Washington.

17       The public member shall be a citizen of the United States and a  
18 resident of this state. The public member shall be appointed from the  
19 public at large, but shall not be affiliated with any aspect of  
20 pharmacy.

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

25       No person who has been appointed to and served for two ~~four-year~~  
26 terms shall be eligible for appointment to the board.

27       Each member shall qualify by taking the usual oath of a state  
28 officer, which shall be filed with the secretary of state, and each  
29 member shall hold office for the term of his appointment and until his  
30 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. 7.** 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, willful

1 neglect of duty, or any other cause after notice and a public hearing,  
2 unless such notice and hearing shall be expressly waived in writing.

3 (3) The governor shall serve as chairperson of the authority. The  
4 authority shall elect annually one of its members as secretary. If the  
5 governor shall be absent from a meeting of the authority, the secretary  
6 shall preside. However, the governor may designate an employee of the  
7 governor's office to act on the governor's behalf in all other respects  
8 during the absence of the governor at any meeting of the authority. If  
9 the designation is in writing and is presented to the person presiding  
10 at the meetings of the authority who is included in the designation,  
11 the vote of the designee has the same effect as if cast by the  
12 governor.

13 (4) Any person designated by resolution of the authority shall keep  
14 a record of the proceedings of the authority and shall be the custodian  
15 of all books, documents, and papers filed with the authority, the  
16 minute book or a journal of the authority, and the authority's official  
17 seal, if any. The person may cause copies to be made of all minutes  
18 and other records and documents of the authority, and may give  
19 certificates to the effect that such copies are true copies. All  
20 persons dealing with the authority may rely upon the certificates.

21 (5) Four members of the authority constitute a quorum. The  
22 authority may act on the basis of a motion except when authorizing the  
23 issuance and sale of bonds, in which case the authority shall act by  
24 resolution. Bond resolutions and other resolutions shall be adopted  
25 upon the affirmative vote of four members of the authority, and shall  
26 be signed by those members voting yes. Motions shall be adopted upon  
27 the affirmative vote of a majority of a quorum of members present at  
28 any meeting of the authority. All actions taken by the authority shall  
29 take effect immediately without need for publication or other public

1 notice. A vacancy in the membership of the authority does not impair  
2 the power of the authority to act under this chapter.

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

7 **Sec. 8.** RCW 28B.16.060 and 1984 c 287 s 63 are each amended to  
8 read as follows:

9 (1) There is hereby created a state higher education personnel  
10 board composed of three members appointed by the governor(~~(, subject to~~  
11 ~~confirmation by the senate)~~). The first such board shall be appointed  
12 within thirty days after the effective date of this chapter for terms  
13 of two, four, and six years. Each odd-numbered year thereafter the  
14 governor shall appoint a member for a six-year term. Persons so  
15 appointed shall have clearly demonstrated an interest and belief in the  
16 merit principle, shall not hold any other employment with the state,  
17 shall not have been an officer of a political party for a period of one  
18 year immediately prior to such appointment, and shall not be or become  
19 a candidate for partisan elective public office during the term to  
20 which they are appointed.

21 (2) Each member of the board shall be compensated in accordance  
22 with RCW 43.03.250. Members of the board shall also be reimbursed for  
23 travel expenses incurred in the discharge of their official duties in  
24 accordance with RCW 43.03.050 and 43.03.060.

25 (3) At its first meeting following the appointment of all of its  
26 members, and annually thereafter, the board shall elect a chairman and  
27 vice chairman from among its members to serve one year. The presence  
28 of at least two members of the board shall constitute a quorum to

1 transact business. A written public record shall be kept by the board  
2 of all actions of the board.

3 (4) The board shall appoint a personnel director who shall be the  
4 chief staff officer for the board. In preparing matters for  
5 consideration by the board and in coordinating the implementation of  
6 the board's rules and regulations, the personnel director shall work in  
7 conjunction with the campus personnel officers and their staffs at each  
8 institution of higher education, and in the case of community colleges,  
9 with the state board for community college education. When necessary,  
10 the personnel director may request the creation of task forces drawn  
11 from the four-year institutions of higher education, and  
12 representatives of the various state community colleges through the  
13 state board for community college education, for the accomplishment of  
14 any projects undertaken by the board. The director may employ  
15 necessary personnel for the board, and the board may appoint and  
16 compensate hearing officers to hear and conduct appeals. The board  
17 shall establish an office for the conduct of its business.

18 **Sec. 9.** RCW 28B.25.030 and 1985 c 370 s 99 are each amended to  
19 read as follows:

20 (1) The joint center for higher education shall be administered by  
21 a board consisting of:

22 (a) Two representatives of Eastern Washington University appointed  
23 by the board of trustees;

24 (b) Two representatives of Washington State University appointed by  
25 the board of regents;

26 (c) One representative of the community colleges in the Spokane  
27 area appointed by the board of trustees of the Spokane community  
28 college district; and

1 (d) Two citizens residing in Spokane county. The governor(~~(, with~~  
2 ~~the consent of the senate,~~) shall appoint the initial members, one for  
3 a two-year term and one for a four-year term. Subsequent citizen board  
4 members shall be appointed for four-year terms by the remaining voting  
5 members of the board.

6 (2) The executive coordinator or designee of the (~~council for~~  
7 ~~postsecondary education or its successor agency~~) higher education  
8 coordinating board shall serve as a nonvoting member of the board.

9 (3) Each of the seven voting members shall have one vote. The  
10 voting members shall select a chairperson. A majority of the voting  
11 members shall constitute a quorum for conducting business.

12 **Sec. 10.** RCW 28B.50.050 and 1988 c 76 s 1 are each amended to read  
13 as follows:

14 There is hereby created the "state board for community college  
15 education(<sup>u</sup>)," to consist of (~~eight members,~~) one member from each  
16 congressional district, as now or hereafter existing, who shall be  
17 appointed by the governor(~~(, with the consent of the senate)~~). The  
18 successors of the members initially appointed shall be appointed for  
19 terms of four years except that any persons appointed to fill a vacancy  
20 occurring prior to the expiration of any term shall be appointed only  
21 for the remainder of such term. Each member shall serve until the  
22 appointment and qualification of his successor. All members shall be  
23 citizens and bona fide residents of the state.

24 The board shall not be deemed unlawfully constituted and a member  
25 of the board shall not be deemed ineligible to serve the remainder of  
26 the member's unexpired term on the board solely by reason of the  
27 establishment of new or revised boundaries for congressional districts.

28 Members of the college board shall be compensated in accordance  
29 with RCW 43.03.240 and shall receive reimbursement for travel expenses

1 in accordance with RCW 43.03.050 and 43.03.060 for each day actually  
2 spent in attending to the duties as a member of the college board.

3 The members of the college board may be removed by the governor for  
4 inefficiency, neglect of duty, or malfeasance in office, in the manner  
5 provided by RCW 28B.10.500.

6 **Sec. 11.** RCW 28B.65.040 and 1985 c 381 s 1 and 1984 c 66 s 1 are  
7 each reenacted and amended to read as follows:

8 (1) The Washington high-technology coordinating board is hereby  
9 created.

10 (2) The board shall be composed of eighteen members as follows:

11 (a) Eleven shall be citizen members appointed by the governor(~~(7~~  
12 ~~with the consent of the senate,~~)) for four-year terms. In making the  
13 appointments the governor shall ensure that a balanced geographic  
14 representation of the state is achieved and shall attempt to choose  
15 persons experienced in high-technology fields, including at least one  
16 representative of labor. Any person appointed to fill a vacancy  
17 occurring before a term expires shall be appointed only for the  
18 remainder of that term; and

19 (b) Seven of the members shall be as follows: One representative  
20 from each of the state's two research universities, one representative  
21 of the state college and regional universities, the director for the  
22 state system of community colleges or the director's designee, the  
23 superintendent of public instruction or the superintendent's designee,  
24 a representative of the (~~council for postsecondary education or its~~  
25 ~~statutory successor~~)) higher education coordinating board, and the  
26 director of the department of trade and economic development or the  
27 director's designee.

28 (3) Members of the board shall not receive any salary for their  
29 services, but shall be reimbursed for travel expenses under RCW

1 43.03.050 and 43.03.060 for each day actually spent in attending to  
2 duties as a member of the board.

3 (4) A citizen member of the board shall not be, during the term of  
4 office, a member of the governing board of any public or private  
5 educational institution, or an employee of any state or local agency.

6 **Sec. 12.** RCW 28B.80.390 and 1985 c 370 s 10 are each amended to  
7 read as follows:

8 The board shall consist of nine members who are representative of  
9 the public, including women and the racial minority community. All  
10 members shall be appointed at large by the governor (~~and approved by~~  
11 ~~the senate~~). The governor shall appoint the chair, who shall serve at  
12 the governor's pleasure.

13 **Sec. 13.** RCW 28B.80.410 and 1985 c 370 s 12 are each amended to  
14 read as follows:

15 Any vacancies among board members shall be filled by the governor  
16 (~~subject to confirmation by the senate then in session, or if not in~~  
17 ~~session, at the next session. Board members appointed under this~~  
18 ~~section shall have full authority to act as such prior to the time the~~  
19 ~~senate acts on their confirmation~~). Appointments to fill vacancies  
20 shall be only for such terms as remain unexpired.

21 **Sec. 14.** RCW 34.12.010 and 1981 c 67 s 1 are each amended to read  
22 as follows:

23 A state office of administrative hearings is hereby created. The  
24 office shall be independent of state administrative agencies and shall  
25 be responsible for impartial administration of administrative hearings  
26 in accordance with the legislative intent expressed by this chapter.  
27 Hearings shall be conducted with the greatest degree of informality

1 consistent with fairness and the nature of the proceeding. The office  
2 shall be under the direction of a chief administrative law judge,  
3 appointed by the governor (~~with the advice and consent of the~~  
4 ~~senate,~~) for a term of five years. The person appointed is required,  
5 as a condition of appointment, to be admitted to practice law in the  
6 state of Washington, and may be removed for cause.

7 **Sec. 15.** RCW 38.12.010 and 1989 c 19 s 11 are each amended to read  
8 as follows:

9 The governor(~~, with the advice and consent of the senate,~~) shall  
10 appoint an adjutant general who shall be chief of staff to the  
11 governor, and may be removed by the governor at will. The adjutant  
12 general shall appoint the civilian employees and other personnel of the  
13 department and may remove any of them in accordance with applicable  
14 law.

15 The expenses of the adjutant general's department, necessary to the  
16 military service, shall be audited, allowed, and paid as other military  
17 expenditures.

18 The adjutant general must execute an official bond running to the  
19 state in the penal sum of twenty thousand dollars conditioned for the  
20 faithful performance of his or her duties. The bond shall be submitted  
21 to the attorney general for approval, and when approved shall be filed  
22 in the office of the secretary of state. The cost of the bond shall be  
23 paid by the state.

24 The adjutant general may obtain and pay for, from funds  
25 appropriated for military purposes, a surety bond or bonds running to  
26 the state covering such officers of the organized militia responsible  
27 to the state for money or military property, as may be advisable to  
28 insure proper accountability. The bond or bonds shall be approved and  
29 filed in the same manner as the adjutant general's bond.



1       **Sec. 16.** RCW 39.19.030 and 1989 c 175 s 85 are each amended to  
2 read as follows:

3       There is hereby created the office of minority and women's business  
4 enterprises. The governor shall appoint a director for the office(~~(~~  
5 ~~subject to confirmation by the senate)~~). The director may employ a  
6 deputy director and a confidential secretary, both of (~~which~~) whom  
7 shall be exempt under chapter 41.06 RCW, and such staff as are  
8 necessary to carry out the purposes of this chapter.

9       The office shall consult with the minority and women's business  
10 enterprises advisory committee to:

11       (1) Develop, plan, and implement programs to provide an opportunity  
12 for participation by qualified minority and women-owned and controlled  
13 businesses in public works and the process by which goods and services  
14 are procured by state agencies and educational institutions from the  
15 private sector;

16       (2) Develop a comprehensive plan insuring that qualified minority  
17 and women-owned and controlled businesses are provided an opportunity  
18 to participate in public contracts for public works and goods and  
19 services;

20       (3) Identify barriers to equal participation by qualified minority  
21 and women-owned and controlled businesses in all state agency and  
22 educational institution contracts;

23       (4) Establish annual overall goals for participation by qualified  
24 minority and women-owned and controlled businesses for each state  
25 agency and educational institution to be administered on a contract-by-  
26 contract basis or on a class-of-contracts basis;

27       (5) Develop and maintain a central minority and women's business  
28 enterprise certification list for all state agencies and educational  
29 institutions. No business is entitled to certification under this  
30 chapter unless it meets the definition of small business concern as

1 established by the office. All applications for certification under  
2 this chapter shall be sworn under oath;

3 (6) Develop, implement, and operate a system of monitoring  
4 compliance with this chapter;

5 (7) Adopt rules under chapter 34.05 RCW, the Administrative  
6 Procedure Act, governing: (a) Establishment of agency goals; (b)  
7 development and maintenance of a central minority and women's business  
8 enterprise certification program, including a definition of "small  
9 business concern" which shall be consistent with the small business  
10 requirements defined under section 3 of the Small Business Act, 15  
11 U.S.C. Sec. 632, and its implementing regulations as guidance; (c)  
12 procedures for monitoring and enforcing compliance with goals,  
13 regulations, contract provisions, and this chapter; and (d) utilization  
14 of standard clauses by state agencies and educational institutions, as  
15 specified in RCW 39.19.050;

16 (8) Submit an annual report to the governor and the legislature  
17 outlining the progress in implementing this chapter;

18 (9) Investigate complaints of violations of this chapter with the  
19 assistance of the involved agency or educational institution; and

20 (10) Cooperate and act jointly or by division of labor with the  
21 United States or other states, and with political subdivisions of the  
22 state of Washington and their respective minority, socially and  
23 economically disadvantaged and women business enterprise programs to  
24 carry out the purposes of this chapter. However, the power which may  
25 be exercised by the office under this subsection permits investigation  
26 and imposition of sanctions only if the investigation relates to a  
27 possible violation of chapter 39.19 RCW, and not to violation of local  
28 ordinances, rules, regulations, however denominated, adopted by  
29 political subdivisions of the state.

1       **Sec. 17.** RCW 41.05.021 and 1990 c 222 s 3 are each amended to read  
2 as follows:

3       The Washington state health care authority is created within the  
4 executive branch. The authority shall have an administrator appointed  
5 by the governor(~~(, with the consent of the senate)~~). The administrator  
6 shall serve at the pleasure of the governor. The administrator may  
7 employ up to seven staff members, who shall be exempt from chapter  
8 41.06 RCW, and any additional staff members as are necessary to  
9 administer this chapter. The primary duties of the authority shall be  
10 to administer state employees' insurance benefits and to study state-  
11 purchased health care programs in order to maximize cost containment in  
12 these programs while ensuring access to quality health care. The  
13 authority's duties include, but are not limited to, the following:

14       (1) To administer a health care benefit program for employees as  
15 specifically authorized in RCW 41.05.065 and in accordance with the  
16 methods described in RCW 41.05.075, 41.05.140, and other provisions of  
17 this chapter;

18       (2) To analyze state-purchased health care programs and to explore  
19 options for cost containment and delivery alternatives for those  
20 programs that are consistent with the purposes of those programs,  
21 including, but not limited to:

22       (a) Creation of economic incentives for the persons for whom the  
23 state purchases health care to appropriately utilize and purchase  
24 health care services, including the development of flexible benefit  
25 plans to offset increases in individual financial responsibility;

26       (b) Utilization of provider arrangements that encourage cost  
27 containment and ensure access to quality care, including but not  
28 limited to prepaid delivery systems, utilization review, and  
29 prospective payment methods;

1 (c) Coordination of state agency efforts to purchase drugs  
2 effectively as provided in RCW 70.14.050;

3 (d) Development of recommendations and methods for purchasing  
4 medical equipment and supporting services on a volume discount basis;  
5 and

6 (e) Development of data systems to obtain utilization data from  
7 state-purchased health care programs in order to identify cost centers,  
8 utilization patterns, provider and hospital practice patterns, and  
9 procedure costs, utilizing the information obtained pursuant to RCW  
10 41.05.031;

11 (3) To analyze areas of public and private health care interaction;

12 (4) To provide information and technical and administrative  
13 assistance to the board;

14 (5) To review and approve or deny applications from counties,  
15 municipalities, other political subdivisions of the state, and school  
16 districts to provide state-sponsored insurance or self-insurance  
17 programs to their employees in accordance with the provisions of RCW  
18 41.04.205 and 28A.400.350, setting the premium contribution for  
19 approved groups as outlined in RCW 41.05.050;

20 (6) To appoint a health care policy technical advisory committee as  
21 required by RCW 41.05.150; and

22 (7) To (~~promulgate and~~) adopt rules consistent with this chapter  
23 as described in RCW 41.05.160.

24 **Sec. 18.** RCW 41.06.110 and 1984 c 287 s 69 are each amended to  
25 read as follows:

26 (1) There is hereby created a state personnel board composed of  
27 three members appointed by the governor(~~(, subject to confirmation by~~  
28 ~~the senate)~~). The first such board shall be appointed within thirty  
29 days after December 8, 1960, for terms of two, four, and six years.

1 Each odd-numbered year thereafter the governor shall appoint a member  
2 for a six-year term. Each member shall continue to hold office after  
3 the expiration of the member's term until a successor has been  
4 appointed. Persons so appointed shall have clearly demonstrated an  
5 interest and belief in the merit principle, shall not hold any other  
6 employment with the state, shall not have been an officer of a  
7 political party for a period of one year immediately prior to such  
8 appointment, and shall not be or become a candidate for partisan  
9 elective public office during the term to which they are appointed;

10 (2) Each member of the board shall be compensated in accordance  
11 with RCW 43.03.250. The members of the board may receive any number of  
12 daily payments for official meetings of the board actually attended.  
13 Members of the board shall also be reimbursed for travel expenses  
14 incurred in the discharge of their official duties in accordance with  
15 RCW 43.03.050 and 43.03.060.

16 (3) At its first meeting following the appointment of all of its  
17 members, and annually thereafter, the board shall elect a chairman and  
18 vice chairman from among its members to serve one year. The presence  
19 of at least two members of the board shall constitute a quorum to  
20 transact business. A written public record shall be kept by the board  
21 of all actions of the board. The director of personnel shall serve as  
22 secretary.

23 ~~((4) The board may appoint and compensate hearing officers to hear  
24 and conduct appeals until December 31, 1982. Such compensation shall  
25 be paid on a contractual basis for each hearing, in accordance with the  
26 provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as  
27 they relate to personal service contracts.))~~

28 **Sec. 19.** RCW 41.50.020 and 1975-'76 2nd ex.s. c 105 s 4 are each  
29 amended to read as follows:

1       There is created a department of state government to be known as  
2 the department of retirement systems. The executive and administrative  
3 head of the department shall be the director, who shall be appointed by  
4 the governor (~~((with the consent of the senate))~~). The director shall  
5 serve at the pleasure of the governor and may be removed upon written  
6 notification by the governor to the respective retirement boards.

7       The director shall have complete charge of and supervisory powers  
8 over the department and shall be paid a salary fixed by the governor in  
9 accordance with the provisions of RCW 43.03.040. (~~((If a vacancy occurs  
10 in the position of director while the senate is not in session, the  
11 governor shall make a temporary appointment until the next meeting of  
12 the senate at which time he shall present to that body the name of the  
13 person appointed to the position of director.))~~)

14       **Sec. 20.** RCW 41.58.010 and 1981 c 338 s 21 are each amended to  
15 read as follows:

16       (1) There is hereby created the public employment relations  
17 commission (hereafter called the "commission") to administer the  
18 provisions of this chapter. The commission shall consist of three  
19 members who shall be citizens appointed by the governor (~~((by and with  
20 the advice and consent of the senate))~~). One of the original members  
21 shall be appointed for a term of three years, one for a term of four  
22 years, and one for a term of five years. Their successors shall be  
23 appointed for terms of five years each, except that any person chosen  
24 to fill a vacancy shall be appointed only for the unexpired term of the  
25 member whom he succeeds. Commission members shall be eligible for  
26 reappointment. The governor shall designate one member to serve as  
27 chairman of the commission. Any member of the commission may be  
28 removed by the governor, upon notice and hearing, for neglect of duty  
29 or malfeasance in office, but for no other cause. Commission members

1 shall not be eligible for state retirement under chapter 41.40 RCW by  
2 virtue of their service on the commission.

3 (2) In making citizen member appointments initially, and  
4 subsequently thereafter, the governor shall be cognizant of the  
5 desirability of appointing persons knowledgeable in the area of labor  
6 relations in the state.

7 (3) A vacancy in the commission shall not impair the right of the  
8 remaining members to exercise all of the powers of the commission, and  
9 two members of the commission shall, at all times, constitute a quorum  
10 of the commission.

11 (4) The commission shall at the close of each fiscal year make a  
12 report in writing to the legislature and to the governor stating the  
13 cases it has heard, the decisions it has rendered, the names, salaries,  
14 and duties of all employees and officers in the employ or under the  
15 supervision of the commission, and an account of all moneys it has  
16 disbursed.

17 **Sec. 21.** RCW 41.64.010 and 1981 c 311 s 1 are each amended to read  
18 as follows:

19 (1) There is hereby created a "personnel appeals board,"  
20 hereinafter in this chapter referred to as the "board," which shall  
21 consist of three members to be appointed by the governor(~~(, subject to~~  
22 ~~confirmation by the senate)~~). The first board shall be appointed  
23 within thirty days after May 19, 1981, for terms of two, four, and six  
24 years. Thereafter, appointments shall be made for six-year terms. A  
25 vacancy shall be filled by appointment by the governor for the  
26 unexpired term in which the vacancy exists. Each member shall continue  
27 to hold office after the expiration of the member's term until a  
28 successor has been appointed. Members may be reappointed to the board  
29 for successive terms. Persons appointed to the board shall be

1 qualified by experience and training in the field of administrative  
2 procedures and merit principles. Such members:

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

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

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

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

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

17 (b) For appeals filed on or after July 1, 1981, under RCW  
18 41.64.090, "board" or "personnel appeals board" means the personnel  
19 appeals board created by subsection (1) of this section;

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

24 **Sec. 22.** RCW 42.17.350 and 1984 c 287 s 74 are each amended to  
25 read as follows:

26 There is hereby established a "public disclosure commission" which  
27 shall be composed of five members who shall be appointed by the  
28 governor(~~(, with the consent of the senate)~~). All appointees shall be  
29 persons of the highest integrity and qualifications. No more than



1 three members shall have an identification with the same political  
2 party. The original members shall be appointed within sixty days after  
3 January 1, 1973. The term of each member shall be five years except  
4 that the original five members shall serve initial terms of one, two,  
5 three, four, and five years, respectively, as designated by the  
6 governor. No member of the commission, during his tenure, shall (1)  
7 hold or campaign for elective office; (2) be an officer of any  
8 political party or political committee; (3) permit his name to be used,  
9 or make contributions, in support of or in opposition to any candidate  
10 or proposition; (4) participate in any way in any election campaign; or  
11 (5) lobby or employ or assist a lobbyist: PROVIDED, That a member or  
12 the staff of the commission may lobby to the limited extent permitted  
13 by RCW 42.17.190 on matters directly affecting this chapter. No member  
14 shall be eligible for appointment to more than one full term. A  
15 vacancy on the commission shall be filled within thirty days of the  
16 vacancy by the governor, (~~with the consent of the senate,~~) and the  
17 appointee shall serve for the remaining term of his predecessor. A  
18 vacancy shall not impair the powers of the remaining members to  
19 exercise all of the powers of the commission. Three members of the  
20 commission shall constitute a quorum. The commission shall elect its  
21 own chairman and adopt its own rules of procedure in the manner  
22 provided in chapter 34.05 RCW. Any member of the commission may be  
23 removed by the governor, but only upon grounds of neglect of duty or  
24 misconduct in office.

25 Members shall be compensated in accordance with RCW 43.03.250 and  
26 in addition shall be reimbursed for travel expenses incurred while  
27 engaged in the business of the commission as provided in RCW 43.03.050  
28 and 43.03.060. The compensation provided pursuant to this section  
29 shall not be considered salary for purposes of the provisions of any  
30 retirement system created pursuant to the general laws of this state.

1       **Sec. 23.** RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each  
2 amended to read as follows:

3       There shall be a chief executive officer of each department to be  
4 known as: (1) The secretary of social and health services, (2) the  
5 director of ecology, (3) the director of labor and industries, (4) the  
6 director of agriculture, (5) the director of fisheries, (6) the  
7 director of wildlife, (7) the secretary of transportation, (8) the  
8 director of licensing, (9) the director of general administration, (10)  
9 the director of trade and economic development, (11) the director of  
10 veterans affairs, (12) the director of revenue, (13) the director of  
11 retirement systems, (14) the secretary of corrections, (15) the  
12 director of community development, and (16) the secretary of health.

13       Such officers, except the secretary of transportation, shall be  
14 appointed by the governor, (~~with the consent of the senate,~~) and hold  
15 office at the pleasure of the governor. The director of wildlife,  
16 however, shall be appointed according to the provisions of RCW  
17 77.04.080. (~~If a vacancy occurs while the senate is not in session,~~  
18 ~~the governor shall make a temporary appointment until the next meeting~~  
19 ~~of the senate. A temporary director of wildlife shall not serve more~~  
20 ~~than one year.)) The secretary of transportation shall be appointed by  
21 the transportation commission as prescribed by RCW 47.01.041.~~

22       **Sec. 24.** RCW 43.20A.040 and 1970 ex.s. c 18 s 4 are each amended  
23 to read as follows:

24       The executive head and appointing authority of the department shall  
25 be the secretary of social and health services. He shall be appointed  
26 by the governor (~~with the consent of the senate~~), and shall serve at  
27 the pleasure of the governor. He shall be paid a salary to be fixed by  
28 the governor in accordance with the provisions of RCW 43.03.040. (~~If~~  
29 ~~a vacancy occurs in his position while the senate is not in session,~~

1 ~~the governor shall make a temporary appointment until the next meeting~~  
2 ~~of the senate, when he shall present to that body his nomination for~~  
3 ~~the office.))~~

4 **Sec. 25.** RCW 43.21A.050 and 1970 ex.s. c 62 s 5 are each amended  
5 to read as follows:

6 The executive and administrative head of the department shall be  
7 the director. The director shall be appointed by the governor ((with  
8 ~~the consent of the senate~~)). He shall have complete charge of and  
9 supervisory powers over the department. He shall be paid a salary  
10 fixed by the governor in accordance with the provisions of RCW  
11 43.03.040. ((~~If a vacancy occurs in the position of director while the~~  
12 ~~senate is not in session, the governor shall make a temporary~~  
13 ~~appointment until the next meeting of the senate at which time he shall~~  
14 ~~present to that body his nomination for the position.~~))

15 **Sec. 26.** RCW 43.21B.020 and 1970 ex.s. c 62 s 32 are each amended  
16 to read as follows:

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

25 **Sec. 27.** RCW 43.21F.035 and 1990 c 12 s 1 are each amended to read  
26 as follows:

1       The Washington state energy office is hereby created as an agency  
2 of state government, responsible to the governor and the legislature  
3 for carrying out the purposes of this chapter. The director shall be  
4 appointed by the governor (~~((with the consent of the senate))~~) and shall  
5 serve at the pleasure of the governor. The salary of the director  
6 shall be determined pursuant to RCW 43.03.040. The director shall  
7 employ such personnel as are necessary to implement this chapter and  
8 chapter 80.50 RCW. The employment of personnel shall be in accordance  
9 with chapter 41.06 RCW.

10       **Sec. 28.** RCW 43.23.002 and 1983 c 248 s 1 are each amended to read  
11 as follows:

12       The executive and administrative head of the department of  
13 agriculture shall be the director. The director shall be appointed by  
14 the governor (~~((with the consent of the senate))~~) and shall have complete  
15 charge of and supervisory power over the department. The director  
16 shall be paid a salary fixed by the governor in accordance with RCW  
17 43.03.040.

18       **Sec. 29.** RCW 43.31.105 and 1985 c 466 s 13 are each amended to  
19 read as follows:

20       The executive head and appointing authority of the department shall  
21 be the director. The director shall be appointed by the governor  
22 (~~((with the consent of the senate,))~~) and shall serve at the pleasure of  
23 the governor. The director shall be paid a salary to be fixed by the  
24 governor in accordance with RCW 43.03.040.

25       **Sec. 30.** RCW 43.33A.020 and 1985 c 195 s 1 are each amended to  
26 read as follows:

1       There is hereby created the state investment board to consist of  
2 fourteen members to be appointed as provided in this section.

3       (1) One member who is an active member of the public employees'  
4 retirement system and has been an active member for at least five  
5 years. This member shall be appointed by the governor(~~(, subject to~~  
6 ~~confirmation by the senate,~~) from a list of nominations submitted by  
7 organizations representing active members of the system. The initial  
8 term of appointment shall be one year.

9       (2) One member who is an active member of the law enforcement  
10 officers' and fire fighters' retirement system and has been an active  
11 member for at least five years. This member shall be appointed by the  
12 governor(~~(, subject to confirmation by the senate,~~) from a list of  
13 nominations submitted by organizations representing active members of  
14 the system. The initial term of appointment shall be two years.

15       (3) One member who is an active member of the teachers' retirement  
16 system and has been an active member for at least five years. This  
17 member shall be appointed by the superintendent of public instruction  
18 subject to confirmation by the senate. The initial term of appointment  
19 shall be three years.

20       (4) The state treasurer or the assistant state treasurer if  
21 designated by the state treasurer.

22       (5) A member of the state house of representatives. This member  
23 shall be appointed by the speaker of the house of representatives.

24       (6) A member of the state senate. This member shall be appointed  
25 by the president of the senate.

26       (7) One member who is a retired member of a state retirement system  
27 shall be appointed by the governor(~~(, subject to confirmation by the~~  
28 ~~senate)~~). The initial term of appointment shall be three years.

29       (8) The director of the department of labor and industries.

30       (9) The director of the department of retirement systems.

1 (10) Five nonvoting members appointed by the state investment board  
2 who are considered experienced and qualified in the field of  
3 investments.

4 The legislative members shall serve terms of two years. The  
5 initial legislative members appointed to the board shall be appointed  
6 no sooner than January 10, 1983. The position of a legislative member  
7 on the board shall become vacant at the end of that member's term on  
8 the board or whenever the member ceases to be a member of the senate or  
9 house of representatives from which the member was appointed.

10 After the initial term of appointment, all other members of the  
11 state investment board, except ex officio members, shall serve terms of  
12 three years and shall hold office until successors are appointed.  
13 Members' terms, except for ex officio members, shall commence on  
14 January 1<sup>st</sup> of the year in which the appointments are made.

15 Members may be reappointed for additional terms. Appointments for  
16 vacancies shall be made for the unexpired terms in the same manner as  
17 the original appointments. Any member may be removed from the board  
18 for cause by the member's respective appointing authority.

19 **Sec. 31.** RCW 43.41.060 and 1979 c 151 s 112 are each amended to  
20 read as follows:

21 The executive head of the office of financial management shall be  
22 the director, who shall be appointed by the governor (~~with the consent~~  
23 ~~of the senate~~), and who shall serve at the pleasure of the governor.  
24 He shall be paid a salary to be fixed by the governor in accordance  
25 with the provisions of RCW 43.03.040. (~~If a vacancy occurs in his~~  
26 ~~position while the senate is not in session, the governor shall make a~~  
27 ~~temporary appointment until the next meeting of the senate, when he~~  
28 ~~shall present to that body his nomination for the office.)) The  
29 director may delegate such of his powers, duties, and functions to~~

1 other officers and employees of the department as he may deem necessary  
2 to the fulfillment of the purposes of this chapter.

3 **Sec. 32.** RCW 43.43.020 and 1983 c 144 s 1 are each amended to read  
4 as follows:

5 The governor(~~(, with the advice and consent of the senate,)~~) shall  
6 appoint the chief of the Washington state patrol, determine his  
7 compensation, and may remove him at will.

8 The chief shall appoint a sufficient number of competent persons to  
9 act as Washington state patrol officers, may remove them for cause, as  
10 provided in this chapter, and shall make promotional appointments,  
11 determine their compensation, and define their rank and duties, as  
12 hereinafter provided.

13 The chief may appoint employees of the Washington state patrol to  
14 serve as special deputies, with such restricted police authority as the  
15 chief shall designate as being necessary and consistent with their  
16 assignment to duty. Such appointment and conferral of authority shall  
17 not qualify said employees for membership in the Washington state  
18 patrol retirement system, nor shall it grant tenure of office as a  
19 regular officer of the Washington state patrol.

20 The chief may personally appoint, with the consent of the state  
21 treasurer, employees of the office of the state treasurer who are  
22 qualified under the standards of the criminal justice training  
23 commission, or who have comparable training and experience, to serve as  
24 special deputies. The law enforcement powers of any special deputies  
25 appointed in the office of the state treasurer shall be designated by  
26 the chief and shall be restricted to those powers necessary to provide  
27 for state-wide security of the holdings or property of or under the  
28 custody of the office of the state treasurer. These appointments may  
29 be revoked by the chief at any time and shall be revoked upon the

1 written request of the state treasurer or by operation of law upon  
2 termination of the special deputy's employment with the office of the  
3 state treasurer or thirty days after the chief who made the appointment  
4 leaves office. The chief shall be civilly immune for the acts of such  
5 special deputies. Such appointment and conferral of authority shall  
6 not qualify such employees for membership in the Washington state  
7 patrol retirement system, nor shall it grant tenure of office as a  
8 regular officer of the Washington state patrol.

9       **Sec. 33.** RCW 43.51.020 and 1984 c 287 s 82 are each amended to  
10 read as follows:

11       There is hereby created a "state parks and recreation commission"  
12 consisting of seven electors of the state. The members of the  
13 commission shall be appointed by the governor (~~by and with the advice~~  
14 ~~and consent of the senate~~) and shall serve for a term of six years,  
15 expiring on December 31st of even-numbered years, and until their  
16 successors are appointed. In case of a vacancy, the governor shall  
17 fill the vacancy for the unexpired term of the commissioner whose  
18 office has become vacant.

19       The commissioners incumbent as of August 11, 1969, shall serve as  
20 follows: Those commissioners whose terms expire December 31, 1970,  
21 shall serve until December 31, 1970; the elector appointed to succeed  
22 to the office, the term for which expired December 31, 1968, shall  
23 serve until December 31, 1974; the terms of three of the four remaining  
24 commissioners shall each expire on December 31, 1972.

25       To assure that no more than the terms of three members will expire  
26 simultaneously on December 31st in any one even-numbered year, the term  
27 of not more than one commissioner incumbent on August 11, 1969, as  
28 designated by the governor, who was either appointed or reappointed to



1 serve until December 31, 1972, shall be increased by the governor by  
2 two years, and said term shall expire December 31, 1974.

3 In making the appointments to the commission, the governor shall  
4 choose electors who understand park and recreation needs and interests.  
5 No person shall serve if he holds any elective or full-time appointive  
6 state, county, or municipal office. Members of the commission shall be  
7 compensated in accordance with RCW 43.03.240 and in addition shall be  
8 allowed their travel expenses incurred while absent from their usual  
9 places of residence in accordance with RCW 43.03.050 and 43.03.060.

10 Payment of expenses pertaining to the operation of the commission  
11 shall be made upon vouchers certified to by such persons as shall be  
12 designated by the commission.

13 **Sec. 34.** RCW 43.52.374 and 1983 1st ex.s. c 3 s 3 are each amended  
14 to read as follows:

15 (1) With the exception of the powers and duties of the board of  
16 directors described in RCW 43.52.370(2), the management and control of  
17 an operating agency constructing, operating, terminating, or  
18 decommissioning a nuclear power plant under a site certification  
19 agreement under chapter 80.50 RCW is vested in an executive board  
20 established under this subsection and consisting of eleven members.

21 (a) Five members of the executive board shall be elected to four-  
22 year terms by the board of directors from among the members of the  
23 board of directors. The board of directors may provide by rule for the  
24 composition of the five members of the executive board elected from  
25 among the members of the board of directors so as to reflect the member  
26 public utility districts' and cities' participation in the joint  
27 operating agency's projects. Members elected to the executive board  
28 from the board of directors are ineligible for continued membership on  
29 the executive board if they cease to be members of the board of

1 directors. The board of directors may also provide by rule for the  
2 removal of a member of the executive board, except for the outside  
3 directors. Members of the board of directors may be elected to serve  
4 successive terms on the executive board. Members elected to the  
5 executive board from the board of directors shall receive a salary from  
6 the operating agency at a rate set by the board of directors.

7 (b) Six members of the executive board shall be outside directors.  
8 Three shall be selected and appointed by the board of directors, and  
9 three shall be selected and appointed by the governor (~~and confirmed~~  
10 ~~by the senate~~). All outside directors shall:

11 (i) Serve four-year terms on the executive board. However, of the  
12 initial members of the executive board, the board of directors and the  
13 governor shall each appoint one outside director to serve a two-year  
14 term, one outside director to serve a three-year term, and one outside  
15 director to serve a four-year term. Thereafter, all outside directors  
16 shall be appointed for four-year terms. All outside directors are  
17 eligible for reappointment;

18 (ii) Receive travel expenses on the same basis as the five members  
19 elected from the board of directors. The outside directors shall also  
20 receive a salary from the operating agency as fixed by the governor;

21 (iii) Not be an officer or employee of, or in any way affiliated  
22 with, the Bonneville power administration or any electric utility  
23 conducting business in the states of Washington, Oregon, Idaho, or  
24 Montana;

25 (iv) Not be involved in the financial affairs of the operating  
26 agency as an underwriter or financial adviser of the operating agency  
27 or any of its members or any of the participants in any of the  
28 operating agency's plants; and

29 (v) Be representative of policy makers in business, finance, or  
30 science, or have expertise in the construction or management of such

1 facilities as the operating agency is constructing or operating, or  
2 have expertise in the termination, disposition, or liquidation of  
3 corporate assets.

4 (c) The governor may remove outside directors from the executive  
5 board for incompetency, misconduct, or malfeasance in office in the  
6 same manner as state appointive officers under chapter 43.06 RCW. For  
7 purposes of this subsection, misconduct shall include, but not be  
8 limited to, nonfeasance and misfeasance.

9 (2) Nothing in this chapter shall be construed to mean that an  
10 operating agency is in any manner an agency of the state. Nothing in  
11 this chapter alters or destroys the status of an operating agency as a  
12 separate municipal corporation or makes the state liable in any way or  
13 to any extent for any preexisting or future debt of the operating  
14 agency or any present or future claim against the agency.

15 (3) The eleven members of the executive board shall be selected  
16 with the objective of establishing an executive board which has the  
17 resources to effectively carry out its responsibilities. All members  
18 of the executive board shall conduct their business in a manner which  
19 in their judgment is in the interest of all ratepayers affected by the  
20 joint operating agency and its projects.

21 (4) The executive board shall elect from its members a chairman,  
22 vice chairman, and secretary, who shall serve at the pleasure of the  
23 executive board. The executive board shall adopt rules for the conduct  
24 of its meetings and the carrying out of its business. All proceedings  
25 shall be by motion or resolution and shall be recorded in the minute  
26 book, which shall be a public record. A majority of the executive  
27 board shall constitute a quorum for the transaction of business.

28 (5) With respect to any operating agency existing on April 20,  
29 1982, to which the provisions of this section are applicable:

1 (a) The board of directors shall elect five members to the  
2 executive board no later than sixty days after April 20, 1982; and

3 (b) The board of directors and the governor shall select and  
4 appoint the initial outside directors and the executive board shall  
5 hold its organizational meeting no later than sixty days after April  
6 20, 1982, and the powers and duties prescribed in this chapter shall  
7 devolve upon the executive board at that time.

8 (6) The executive board shall select and employ a managing director  
9 of the operating agency and may delegate to the managing director such  
10 authority for the management and control of the operating agency as the  
11 executive board deems appropriate. The managing director's employment  
12 is terminable at the will of the executive board.

13 (7) Members of the executive board shall be immune from civil  
14 liability for mistakes and errors of judgment in the good faith  
15 performance of acts within the scope of their official duties involving  
16 the exercise of judgment and discretion. This grant of immunity shall  
17 not be construed as modifying the liability of the operating agency.

18 The operating agency shall undertake the defense of and indemnify  
19 each executive board member made a party to any civil proceeding  
20 including any threatened, pending, or completed action, suit, or  
21 proceeding, whether civil, administrative, or investigative, by reason  
22 of the fact he or she is or was a member of the executive board,  
23 against judgments, penalties, fines, settlements, and reasonable  
24 expenses, actually incurred by him or her in connection with such  
25 proceeding if he or she had conducted himself or herself in good faith  
26 and reasonably believed his or her conduct to be in the best interest  
27 of the operating agency.

28 In addition members of the executive board who are utility  
29 employees shall not be fired, forced to resign, or demoted from their  
30 utility jobs for decisions they make while carrying out their duties as

1 members of the executive board involving the exercise of judgment and  
2 discretion.

3 **Sec. 35.** RCW 43.52A.030 and 1984 c 34 s 8 are each amended to read  
4 as follows:

5 The governor(~~(, with the consent of the senate,)~~) shall appoint two  
6 residents of Washington state to the council pursuant to the act.  
7 These persons shall undertake the functions and duties of members of  
8 the council as specified in the act and in appropriate state law. Upon  
9 appointment by the governor to the council, the nominee shall make  
10 available to the senate such disclosure information as is requested for  
11 the confirmation process, including that required in RCW 42.17.241.

12 **Sec. 36.** RCW 43.52A.040 and 1984 c 223 s 1 are each amended to  
13 read as follows:

14 (1) Unless removed at the governor's pleasure, council members  
15 shall serve a term ending January 15<sup>th</sup> of the third year following  
16 appointment except that, with respect to members initially appointed,  
17 the governor shall designate one member to serve a term ending January  
18 15<sup>th</sup> of the second year following appointment. Initial appointments to  
19 the council shall be made within thirty days of March 9, 1981.

20 (2) Each member shall serve until a successor is appointed, but if  
21 a successor is not appointed within sixty days of the beginning of a  
22 new term, the member shall be considered reappointed(~~(, subject to the  
23 consent of the senate)~~).

24 (3) A vacancy on the council shall be filled for the unexpired term  
25 by the governor(~~(, with the consent of the senate)~~).

26 (4) For the first available appointment and at all times  
27 thereafter, one member of Washington's delegation to the council shall

1 reside east of the crest of the Cascade Mountains and one member shall  
2 reside west of the crest of the Cascade Mountains.

3 **Sec. 37.** RCW 43.60A.030 and 1975-'76 2nd ex.s. c 115 s 3 are each  
4 amended to read as follows:

5 The executive head and appointing authority of the department shall  
6 be the director of veterans affairs. The director shall be an  
7 honorably discharged or retired veteran of the armed forces of the  
8 United States and shall be appointed by the governor (~~((with the consent  
9 of the senate))~~) and shall serve at the pleasure of the governor. The  
10 director shall be paid a salary to be fixed by the governor in  
11 accordance with the provisions of RCW 43.03.040. (~~((If a vacancy occurs  
12 in the position of director while the senate is not in session, the  
13 governor shall make a temporary appointment until the next meeting of  
14 the senate, when the governor shall present the nomination for the  
15 office to that body.))~~)

16 **Sec. 38.** RCW 43.63A.040 and 1984 c 125 s 3 are each amended to  
17 read as follows:

18 The executive head of the department shall be a director appointed  
19 by the governor(~~(, with the consent of the senate,)~~) and hold office at  
20 the pleasure of the governor. The director shall be paid a salary  
21 fixed by the governor in accordance with the provisions of RCW  
22 43.03.040.

23 **Sec. 39.** RCW 43.78.010 and 1981 c 338 s 6 are each amended to read  
24 as follows:

25 There shall be a public printer appointed by the governor (~~((with  
26 the advice and consent of the senate))~~), who shall hold office at the

1 pleasure of the governor and until his successor is appointed and  
2 qualified.

3 **Sec. 40.** RCW 43.97.025 and 1987 c 499 s 2 are each amended to read  
4 as follows:

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

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

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

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

20 (4) Each member appointed by the governor (~~shall be subject to~~  
21 ~~confirmation by the Washington state senate and~~) shall serve at the  
22 pleasure of the governor until ~~((their))~~ the member's term ~~((shall))~~  
23 expires or until a disqualifying change in residence.

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

1 serve a term of six years. All other members shall serve a period of  
2 four years.

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

6 Vacancies shall be filled in accordance with the appointing  
7 procedure for the commission member occupying the seat before its  
8 vacancy.

9 **Sec. 41.** RCW 43.99.110 and 1988 c 36 s 21 are each amended to read  
10 as follows:

11 There is created the interagency committee for outdoor recreation  
12 consisting of the commissioner of public lands, the director of parks  
13 and recreation, the director of wildlife, the director of fisheries, or  
14 their designees, and, by appointment of the governor (~~with the advice~~  
15 ~~and consent of the senate~~), five members from the public at large who  
16 have a demonstrated interest in and a general knowledge of outdoor  
17 recreation in the state. The terms of members appointed from the  
18 public at large shall commence on January 1st of the year of  
19 appointment and shall be for three years or until a successor is  
20 appointed, except in the case of appointments to fill vacancies which  
21 shall be for the remainder of the unexpired term; provided the first  
22 such members shall be appointed for terms as follows: One member for  
23 one year, two members for two years, and two members for three years.  
24 The governor shall appoint one of the members from the public at large  
25 to serve as chairman of the committee for the duration of the member's  
26 term. Members employed by the state shall serve without additional pay  
27 and participation in the work of the committee shall be deemed  
28 performance of their employment. Members from the public at large  
29 shall be compensated in accordance with RCW 43.03.240 and shall be



1 entitled to reimbursement individually for travel expenses incurred in  
2 performance of their duties as members of the committee in accordance  
3 with RCW 43.03.050 and 43.03.060.

4 **Sec. 42.** RCW 43.105.047 and 1987 c 504 s 6 are each amended to  
5 read as follows:

6 There is created the department of information services. The  
7 department shall be headed by a director appointed by the governor  
8 (~~with the consent of the senate~~). The director shall serve at the  
9 governor's pleasure and shall receive such salary as determined by the  
10 governor. The director shall:

11 (1) Appoint a confidential secretary and such deputy and assistant  
12 directors as needed to administer the department. However, the total  
13 number of deputy and assistant directors shall not exceed four;

14 (2) Maintain and fund a planning component separate from the  
15 services component of the department;

16 (3) Appoint such professional, technical, and clerical assistants  
17 and employees as may be necessary to perform the duties imposed by this  
18 chapter;

19 (4) Report to the governor and the board any matters relating to  
20 abuses and evasions of this chapter; and

21 (5) Recommend statutory changes to the governor and the board.

22 **Sec. 43.** RCW 43.180.040 and 1985 c 6 s 14 are each amended to read  
23 as follows:

24 (1) There is hereby established a public body corporate and  
25 politic, with perpetual corporate succession, to be known as the  
26 Washington state housing finance commission. The commission is an  
27 instrumentality of the state exercising essential government functions  
28 and, for purposes of the code, acts as a constituted authority on

1 behalf of the state when it issues bonds pursuant to this chapter. The  
2 commission is a "public body" within the meaning of RCW 39.53.010.

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

4 (a) The state treasurer, ex officio;

5 (b) The director of community development, ex officio;

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

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

11 (e) A representative of labor interests, appointed by the  
12 governor(~~(, with the consent of the senate,)~~) after consultation with  
13 representatives of organized labor;

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

16 (g) Five members of the public appointed by the governor(~~(, with  
17 the consent of the senate,)~~) on the basis of geographic distribution  
18 and their expertise in housing, real estate, finance, energy  
19 efficiency, or construction, one of whom shall be appointed by the  
20 governor as chair of the commission and who shall serve on the  
21 commission and as chair of the commission at the pleasure of the  
22 governor.

23 The term of the persons appointed by the governor, other than the  
24 chair, shall be four years from the date of their appointment, except  
25 that the terms of three of the initial appointees shall be for two  
26 years from the date of their appointment. The governor shall designate  
27 the appointees who will serve the two-year terms. An appointee may be  
28 removed by the governor for cause pursuant to RCW 43.06.070 and  
29 43.06.080. The governor shall fill any vacancy in an appointed  
30 position by appointment for the remainder of the unexpired term. If

1 the department of community development is abolished, the resulting  
2 vacancy shall be filled by a state official who shall be appointed to  
3 the commission by the governor. (~~If this official occupies an office~~  
4 ~~or position for which senate confirmation is not required, then his~~  
5 ~~appointment to the commission shall be subject to the consent of the~~  
6 ~~senate.~~) The members of the commission shall be compensated in  
7 accordance with RCW 43.03.240 and may be reimbursed, solely from the  
8 funds of the commission, for expenses incurred in the discharge of  
9 their duties under this chapter, subject to the provisions of RCW  
10 43.03.050 and 43.03.060. A majority of the commission constitutes a  
11 quorum. Designees shall be appointed in such manner and shall exercise  
12 such powers as are specified by the rules of the commission.

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

18 **Sec. 44.** RCW 43.210.030 and 1985 c 231 s 3 are each amended to  
19 read as follows:

20 The small business export finance assistance center and its  
21 branches shall be governed and managed by a board of seventeen  
22 directors appointed by the governor (~~and confirmed by the senate~~).  
23 The directors shall serve terms of six years except that two of the  
24 original directors shall serve for two years and two of the original  
25 directors shall serve for four years. The directors may provide for  
26 the payment of their expenses. The directors shall include a  
27 representative of a not-for-profit corporation formed for the purpose  
28 of facilitating economic development, at least two representatives of  
29 state financial institutions engaged in the financing of export

1 transactions, a representative of a port district, and a representative  
2 of organized labor. Of the remaining board members, there shall be a  
3 representative of the governor, one representative of business from the  
4 area west of Puget Sound, one representative of business from the area  
5 east of Puget Sound and west of the Cascade range, one representative  
6 of business from the area east of the Cascade range and west of the  
7 Columbia river, and one representative of business from the area east  
8 of the Columbia river. One of the directors shall be a representative  
9 of the public selected from the area in the state west of the Cascade  
10 mountain range and one director shall be a representative of the public  
11 selected from that area of the state east of the Cascade mountain  
12 range. One director shall be a representative of the public at large.  
13 The directors shall be broadly representative of geographic areas of  
14 the state, and the representatives of businesses shall represent at  
15 least four different industries in different sized businesses as  
16 follows: (a) One representative of a company employing fewer than one  
17 hundred persons; (b) one representative of a company employing between  
18 one hundred and five hundred persons; and (c) two representatives of  
19 companies employing more than five hundred persons. Any vacancies on  
20 the board due to the expiration of a term or for any other reason shall  
21 be filled by appointment by the governor for the unexpired term.

22 **Sec. 45.** RCW 46.01.090 and 1990 c 250 s 15 are each amended to  
23 read as follows:

24 The department shall be under the control of an executive officer  
25 to be known as the director of licensing. The director shall be  
26 appointed by the governor(~~(, with the consent of the senate,)~~) and hold  
27 office at the pleasure of the governor. Directors shall be selected  
28 with special reference to their experience, capacity, and interest in  
29 the field of motor vehicle administration or highway safety.

1       **Sec. 46.** RCW 47.01.051 and 1977 ex.s. c 151 s 5 are each amended  
2 to read as follows:

3       There is hereby created a transportation commission, which shall  
4 consist of seven members appointed by the governor(~~(, with the consent~~  
5 ~~of the senate)~~). The present five members of the highway commission  
6 shall serve as five initial members of the transportation commission  
7 until their terms of office as highway commission members would have  
8 expired. The additional two members provided herein for the  
9 transportation commission shall be appointed for initial terms to  
10 expire on June 30, 1982, and June 30, 1983. Thereafter all terms shall  
11 be for six years. No elective state official or state officer or state  
12 employee shall be a member of the commission, and not more than four  
13 members of the commission shall at the time of appointment or  
14 thereafter during their respective terms of office be members of the  
15 same major political party. At the time of appointment or thereafter  
16 during their respective terms of office, four members of the commission  
17 shall reside in the western part of the state and three members shall  
18 reside in the eastern part of the state as divided north and south by  
19 the summit of the Cascade mountains. No more than two members of the  
20 commission shall reside in the same county. Commissioners shall not be  
21 removed from office by the governor before the expiration of their  
22 terms unless for a disqualifying change of residence or for cause based  
23 upon a determination of incapacity, incompetence, neglect of duty, or  
24 malfeasance in office by the superior court of the state of Washington  
25 in and for Thurston county upon petition and show cause proceedings  
26 duly brought therefor in said court and directed to the commissioner in  
27 question. No member shall be appointed for more than two consecutive  
28 terms.

1       **Sec. 47.** RCW 47.64.280 and 1984 c 287 s 95 are each amended to  
2 read as follows:

3       (1) There is created the marine employees' commission. The  
4 governor shall appoint the commission (~~with the consent of the~~  
5 ~~senate~~). The commission shall consist of three members: One member  
6 to be appointed from labor, one member from industry, and one member  
7 from the public who has significant knowledge of maritime affairs. The  
8 public member shall be chairman of the commission. One of the original  
9 members shall be appointed for a term of three years, one for a term of  
10 four years, and one for a term of five years. Their successors shall  
11 be appointed for terms of five years each, except that any person  
12 chosen to fill a vacancy shall be appointed only for the unexpired term  
13 of the member whom he succeeds. Commission members are eligible for  
14 reappointment. Any member of the commission may be removed by the  
15 governor, upon notice and hearing, for neglect of duty or malfeasance  
16 in office, but for no other cause. Commission members are not eligible  
17 for state retirement under chapter 41.40 RCW by virtue of their service  
18 on the commission. Members of the commission shall be compensated in  
19 accordance with RCW 43.03.250 and shall receive reimbursement for  
20 official travel and other expenses at the same rate and on the same  
21 terms as provided for the transportation commission by RCW 47.01.061.  
22 The payments shall be made from the Puget Sound ferry operations  
23 account.

24       (2) The marine employees' commission shall: (a) Adjust all  
25 complaints, grievances, and disputes between labor and management  
26 arising out of the operation of the ferry system as provided in RCW  
27 47.64.150; (b) provide for impasse mediation as required in RCW  
28 47.64.210; (c) conduct fact-finding and provide salary surveys as  
29 required in RCW 47.64.220; and (d) provide for the selection of an  
30 impartial arbitrator as required in RCW 47.64.240(5).

1 (3) In adjudicating all complaints, grievances, and disputes, the  
2 party claiming labor disputes shall, in writing, notify the marine  
3 employees' commission, which shall make careful inquiry into the cause  
4 thereof and issue an order advising the ferry employee, or the ferry  
5 employee organization representing him or her, and the department of  
6 transportation, as to the decision of the commission.

7 The parties are entitled to offer evidence relating to disputes at  
8 all hearings conducted by the commission. The orders and awards of the  
9 commission are final and binding upon any ferry employee or employees  
10 or their representative affected thereby and upon the department.

11 The commission shall adopt rules of procedure under chapter 34.05  
12 RCW.

13 The commission has the authority to subpoena any ferry employee or  
14 employees, or their representatives, and any member or representative  
15 of the department, and any witnesses. The commission may require  
16 attendance of witnesses and the production of all pertinent records at  
17 any hearings held by the commission. The subpoenas of the commission  
18 are enforceable by order of any superior court in the state of  
19 Washington for the county within which the proceeding may be pending.  
20 The commission may hire staff as necessary, appoint consultants, enter  
21 into contracts, and conduct studies as reasonably necessary to carry  
22 out this chapter.

23 **Sec. 48.** RCW 49.04.010 and 1984 c 287 s 97 are each amended to  
24 read as follows:

25 The director of labor and industries shall appoint an  
26 apprenticeship council, composed of three representatives each from  
27 employer and employee organizations, respectively. The terms of office  
28 of the members of the apprenticeship council first appointed by the  
29 director of labor and industries shall be as follows: One

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

26 **Sec. 49.** RCW 49.60.050 and 1985 c 185 s 3 are each amended to read  
27 as follows:

28 There is created the "Washington state human rights commission,"  
29 which shall be composed of five members to be appointed by the governor



1 (~~with the advice and consent of the senate~~), one of whom shall be  
2 designated as chairperson by the governor.

3 **Sec. 50.** RCW 50.08.010 and 1953 ex.s. c 8 s 3 are each amended to  
4 read as follows:

5 There is established the employment security department for the  
6 state, to be administered by a commissioner. The commissioner shall be  
7 appointed by the governor (~~with the consent of the senate,~~) and shall  
8 hold office at the pleasure of, and receive such compensation for his  
9 services as may be fixed by, the governor.

10 **Sec. 51.** RCW 51.52.010 and 1981 c 338 s 10 are each amended to  
11 read as follows:

12 There shall be a "board of industrial insurance appeals,"  
13 hereinafter called the "board," consisting of three members appointed  
14 by the governor(~~, with the advice and consent of the senate, as~~  
15 ~~hereinafter provided~~). One shall be a representative of the public  
16 and a lawyer, appointed from a mutually agreed to list of not less than  
17 three active members of the Washington state bar association, submitted  
18 to the governor by the two organizations defined below, and such member  
19 shall be the chairperson of said board. The second member shall be a  
20 representative of the majority of workers engaged in employment under  
21 this title and selected from a list of not less than three names  
22 submitted to the governor by an organization, state-wide in scope,  
23 which through its affiliates embraces a cross section and a majority of  
24 the organized labor of the state. The third member shall be a  
25 representative of employers under this title, and appointed from a list  
26 of at least three names submitted to the governor by a recognized  
27 state-wide organization of employers, representing a majority of  
28 employers. The initial terms of office of the members of the board

1 shall be for six, four, and two years respectively. Thereafter all  
2 terms shall be for a period of six years. Each member of the board  
3 shall be eligible for reappointment and shall hold office until his or  
4 her successor is appointed and qualified. In the event of a vacancy  
5 the governor is authorized to appoint a successor to fill the unexpired  
6 term of his or her predecessor. All appointments to the board shall be  
7 made in conformity with the foregoing plan. Whenever the workload of  
8 the board and its orderly and expeditious disposition shall  
9 necessitate, the governor may appoint two additional pro-tem members in  
10 addition to the regular members. Such appointments shall be for a  
11 definite period of time, and shall be made from lists submitted  
12 respectively by labor and industry as in the case of regular members.  
13 One pro-tem member shall be a representative of labor and one shall be  
14 a representative of industry. Members shall devote their entire time  
15 to the duties of the board and shall receive for their services a  
16 salary as fixed by the governor in accordance with the provisions of  
17 RCW 43.03.040 which shall be in addition to travel expenses in  
18 accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or~~  
19 ~~hereafter amended~~). Headquarters for the board shall be located in  
20 Olympia. The board shall adopt a seal which shall be judicially  
21 recognized.

22 **Sec. 52.** RCW 66.08.012 and 1961 c 307 s 7 are each amended to read  
23 as follows:

24 There shall be a board, known as the "Washington state liquor  
25 control board," consisting of three members, to be appointed by the  
26 governor, (~~with the consent of the senate,~~) who shall each be paid an  
27 annual salary to be fixed by the governor in accordance with the  
28 provisions of RCW 43.03.040. The governor may, in his discretion,

1 appoint one of the members as chairman of the board, and a majority of  
2 the members shall constitute a quorum of the board.

3 **Sec. 53.** RCW 67.16.012 and 1987 c 453 s 2 are each amended to read  
4 as follows:

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

24 **Sec. 54.** RCW 67.70.030 and 1982 2nd ex.s. c 7 s 3 are each amended  
25 to read as follows:

26 There is created the state lottery commission to consist of five  
27 members appointed by the governor (~~with the consent of the senate~~).  
28 Of the initial members, one shall serve a term of two years, one shall

1 serve a term of three years, one shall serve a term of four years, one  
2 shall serve a term of five years, and one shall serve a term of six  
3 years. Their successors, all of whom shall be citizen members  
4 appointed by the governor (~~with the consent of the senate~~), upon  
5 being appointed and qualified, shall serve six-year terms. No member  
6 of the commission who has served a full six-year term is eligible for  
7 reappointment. In case of a vacancy, it shall be filled by appointment  
8 by the governor for the unexpired portion of the term in which the  
9 vacancy occurs.

10 The governor shall designate one member of the commission to serve  
11 as chairman at the governor's pleasure.

12 A majority of the members shall constitute a quorum for the  
13 transaction of business.

14 **Sec. 55.** RCW 67.70.050 and 1987 c 511 s 3 and 1987 c 505 s 57 are  
15 each reenacted and amended to read as follows:

16 There is created the office of director of the state lottery. The  
17 director shall be appointed by the governor (~~with the consent of the~~  
18 ~~senate~~). The director shall serve at the pleasure of the governor and  
19 shall receive such salary as is determined by the governor, but in no  
20 case may the director's salary be more than ninety percent of the  
21 salary of the governor. The director shall:

22 (1) Supervise and administer the operation of the lottery in  
23 accordance with the provisions of this chapter and with the rules of  
24 the commission.

25 (2) Appoint such deputy and assistant directors as may be required  
26 to carry out the functions and duties of his office(~~PROVIDED,~~  
27 ~~That~~). The provisions of the state civil service law, chapter 41.06  
28 RCW, shall not apply to such deputy and assistant directors.

1 (3) Appoint such professional, technical, and clerical assistants  
2 and employees as may be necessary to perform the duties imposed by this  
3 chapter(~~(:—PROVIDED, That)~~). The provisions of the state civil  
4 service law, chapter 41.06 RCW, shall not apply to such employees as  
5 are engaged in undercover audit or investigative work or security  
6 operations but shall apply to other employees appointed by the  
7 director, except as provided for in subsection (2) of this section.

8 (4) In accordance with the provisions of this chapter and the rules  
9 of the commission, license as agents to sell or distribute lottery  
10 tickets such persons as in his opinion will best serve the public  
11 convenience and promote the sale of tickets or shares. The director  
12 may require a bond from any licensed agent, in such amount as provided  
13 in the rules of the commission. Every licensed agent shall prominently  
14 display his license, or a copy thereof, as provided in the rules of the  
15 commission. License fees may be established by the commission, and, if  
16 established, shall be deposited in the state lottery account created by  
17 RCW 67.70.230.

18 (5) Confer regularly as necessary or desirable with the commission  
19 on the operation and administration of the lottery; make available for  
20 inspection by the commission, upon request, all books, records, files,  
21 and other information and documents of the lottery; and advise the  
22 commission and recommend such matters as the director deems necessary  
23 and advisable to improve the operation and administration of the  
24 lottery.

25 (6) Subject to the applicable laws relating to public contracts,  
26 enter into contracts for the operation of the lottery, or any part  
27 thereof, and into contracts for the promotion of the lottery. No  
28 contract awarded or entered into by the director may be assigned by the  
29 holder thereof except by specific approval of the commission(~~(:—~~  
30 ~~PROVIDED, That)~~). Nothing in this chapter authorizes the director to

1 enter into public contracts for the regular and permanent  
2 administration of the lottery after the initial development and  
3 implementation.

4 (7) Certify quarterly to the state treasurer and the commission a  
5 full and complete statement of lottery revenues, prize disbursements,  
6 and other expenses for the preceding quarter.

7 (8) Report immediately to the governor and the legislature any  
8 matters which require immediate changes in the laws of this state in  
9 order to prevent abuses and evasions of this chapter or rules  
10 promulgated thereunder or to rectify undesirable conditions in  
11 connection with the administration or operation of the lottery.

12 (9) Carry on a continuous study and investigation of the lottery  
13 throughout the state: (a) For the purpose of ascertaining any defects  
14 in this chapter or in the rules issued thereunder by reason whereof any  
15 abuses in the administration and operation of the lottery or any  
16 evasion of this chapter or the rules may arise or be practiced, (b) for  
17 the purpose of formulating recommendations for changes in this chapter  
18 and the rules promulgated thereunder to prevent such abuses and  
19 evasions, (c) to guard against the use of this chapter and the rules  
20 issued thereunder as a cloak for the carrying on of professional  
21 gambling and crime, and (d) to insure that this chapter and rules shall  
22 be in such form and be so administered as to serve the true purposes of  
23 this chapter.

24 (10) Make a continuous study and investigation of: (a) The  
25 operation and the administration of similar laws which may be in effect  
26 in other states or countries, (b) the operation of an additional game  
27 or games for the benefit of a particular program or purpose, (c) any  
28 literature on the subject which from time to time may be published or  
29 available, (d) any federal laws which may affect the operation of the  
30 lottery, and (e) the reaction of the citizens of this state to existing

1 and potential features of the lottery with a view to recommending or  
2 effecting changes that will tend to serve the purposes of this  
3 chapter.

4 (11) Have all enforcement powers granted in chapter 9.46 RCW.

5 (12) Perform all other matters and things necessary to carry out  
6 the purposes and provisions of this chapter.

7 **Sec. 56.** RCW 70.37.030 and 1989 1st ex.s. c 9 s 261 are each  
8 amended to read as follows:

9 There is hereby established a public body corporate and politic,  
10 with perpetual corporate succession, to be known as the Washington  
11 health care facilities authority. The authority shall constitute a  
12 political subdivision of the state established as an instrumentality  
13 exercising essential governmental functions. The authority is a  
14 "public body" within the meaning of RCW 39.53.010(~~(, as now or~~  
15 ~~hereafter amended)~~). The authority shall consist of the governor who  
16 shall serve as chairman, the lieutenant governor, the insurance  
17 commissioner, the secretary of health, and one member of the public who  
18 shall be appointed by the governor(~~(, subject to confirmation by the~~  
19 ~~senate,~~) on the basis of the member's interest or expertise in health  
20 care delivery, for a term expiring on the fourth anniversary of the  
21 date of appointment. In the event that any of the offices referred to  
22 shall be abolished the resulting vacancy on the authority shall be  
23 filled by the officer who shall succeed substantially to the powers and  
24 duties thereof. The members of the authority shall be compensated in  
25 accordance with RCW 43.03.240 and shall be entitled to reimbursement,  
26 solely from the funds of the authority, for travel expenses incurred in  
27 the discharge of their duties under this chapter, subject to the  
28 provisions of RCW 43.03.050 and 43.03.060. A majority shall constitute  
29 a quorum.

1       The governor may designate an employee of the governor's office to  
2 act on behalf of the governor during the absence of the governor at one  
3 or more of the meetings of the authority. The vote of the designee  
4 shall have the same effect as if cast by the governor if the  
5 designation is in writing and is presented to the person presiding at  
6 the meetings included within the designation.

7       The governor may designate a member to preside during the  
8 governor's absence.

9       **Sec. 57.** RCW 70.47.040 and 1987 1st ex.s. c 5 s 6 are each amended  
10 to read as follows:

11       (1) The Washington basic health plan is created as an independent  
12 agency of the state. The administrative head and appointing authority  
13 of the plan shall be the administrator who shall be appointed by the  
14 governor(~~(, with the consent of the senate,)~~) and shall serve at the  
15 pleasure of the governor. The salary for this office shall be set by  
16 the governor pursuant to RCW 43.03.040. The administrator shall  
17 appoint a medical director. The administrator, medical director, and  
18 up to five other employees shall be exempt from the civil service law,  
19 chapter 41.06 RCW.

20       (2) The administrator shall employ such other staff as are  
21 necessary to fulfill the responsibilities and duties of the  
22 administrator, such staff to be subject to the civil service law,  
23 chapter 41.06 RCW. In addition, the administrator may contract with  
24 third parties for services necessary to carry out its activities where  
25 this will promote economy, avoid duplication of effort, and make best  
26 use of available expertise. Any such contractor or consultant shall be  
27 prohibited from releasing, publishing, or otherwise using any  
28 information made available to it under its contractual responsibility  
29 without specific permission of the plan. The administrator may call



1 upon other agencies of the state to provide available information as  
2 necessary to assist the administrator in meeting its responsibilities  
3 under this chapter, which information shall be supplied as promptly as  
4 circumstances permit.

5 (3) The administrator may appoint such technical or advisory  
6 committees as he or she deems necessary. The administrator shall  
7 appoint a standing technical advisory committee that is representative  
8 of health care professionals, health care providers, and those directly  
9 involved in the purchase, provision, or delivery of health care  
10 services, as well as consumers and those knowledgeable of the ethical  
11 issues involved with health care public policy. Individuals appointed  
12 to any technical or other advisory committee shall serve without  
13 compensation for their services as members, but may be reimbursed for  
14 their travel expenses pursuant to RCW 43.03.050 and 43.03.060.

15 (4) The administrator may apply for, receive, and accept grants,  
16 gifts, and other payments, including property and service, from any  
17 governmental or other public or private entity or person, and may make  
18 arrangements as to the use of these receipts, including the undertaking  
19 of special studies and other projects relating to health care costs and  
20 access to health care.

21 (5) In the design, organization, and administration of the plan  
22 under this chapter, the administrator shall consider the report of the  
23 Washington health care project commission established under chapter  
24 303, Laws of 1986. Nothing in this chapter requires the administrator  
25 to follow any specific recommendation contained in that report except  
26 as it may also be included in this chapter or other law.

27 **Sec. 58.** RCW 70.148.030 and 1990 c 64 s 4 are each amended to read  
28 as follows:

1 (1) The Washington pollution liability insurance program is created  
2 as an independent agency of the state. The administrative head and  
3 appointing authority of the program shall be the director who shall be  
4 appointed by the governor(~~(, with the consent of the senate,)~~) and  
5 shall serve at the pleasure of the governor. The salary for this  
6 office shall be set by the governor pursuant to RCW 43.03.040. The  
7 director shall appoint a deputy director. The director, deputy  
8 director, and up to three other employees are exempt from the civil  
9 service law, chapter 41.06 RCW.

10 (2) The director shall employ such other staff as are necessary to  
11 fulfill the responsibilities and duties of the director. The staff is  
12 subject to the civil service law, chapter 41.06 RCW. In addition, the  
13 director may contract with third parties for services necessary to  
14 carry out its activities where this will promote economy, avoid  
15 duplication of effort, and make best use of available expertise. To  
16 the extent necessary to protect the state from unintended liability and  
17 ensure quality program and contract design, the director shall contract  
18 with an organization or organizations with demonstrated experience and  
19 ability in managing and designing pollution liability insurance and  
20 with an organization or organizations with demonstrated experience and  
21 ability in managing and designing pollution liability reinsurance. The  
22 director shall enter into such contracts after competitive bid but need  
23 not select the lowest bid. Any such contractor or consultant is  
24 prohibited from releasing, publishing, or otherwise using any  
25 information made available to it under its contractual responsibility  
26 without specific permission of the program director. The director may  
27 call upon other agencies of the state to provide technical support and  
28 available information as necessary to assist the director in meeting  
29 the director's responsibilities under this chapter. Agencies shall

1 supply this support and information as promptly as circumstances  
2 permit.

3 (3) The governor shall appoint a standing technical advisory  
4 committee that is representative of the public, the petroleum marketing  
5 industry, business and local government owners of underground storage  
6 tanks, and insurance professionals. Individuals appointed to the  
7 technical advisory committee shall serve at the pleasure of the  
8 governor and without compensation for their services as members, but  
9 may be reimbursed for their travel expenses in accordance with RCW  
10 43.03.050 and 43.03.060.

11 (4) A member of the technical advisory committee of the program is  
12 not civilly liable for any act or omission in the course and scope of  
13 his or her official capacity unless the act or omission constitutes  
14 gross negligence.

15 **Sec. 59.** RCW 72.09.030 and 1981 c 136 s 3 are each amended to read  
16 as follows:

17 There is created a department of state government to be known as  
18 the department of corrections. The executive head of the department  
19 shall be the secretary of corrections who shall be appointed by the  
20 governor (~~with the consent of the senate~~). The secretary shall serve  
21 at the pleasure of the governor and shall receive a salary to be fixed  
22 under RCW 43.03.040.

23 **Sec. 60.** RCW 72.23.025 and 1989 c 205 s 21 are each amended to  
24 read as follows:

25 (1) It is the intent of the legislature to improve the quality of  
26 service at state hospitals, eliminate overcrowding, and more  
27 specifically define the role of the state hospitals. The legislature  
28 intends that eastern and western state hospitals shall become clinical

1 centers for handling the most complicated long-term care needs. Over  
2 the next six years, their involvement in providing short-term and acute  
3 care shall be diminished in accordance with the revised  
4 responsibilities for mental health care under chapter 71.24 RCW. The  
5 legislature finds that establishment of the eastern state hospital  
6 board, the western state hospital board, and institutes for the study  
7 and treatment of mental disorders at both eastern state hospital and  
8 western state hospital will be instrumental in implementing the  
9 legislative intent.

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

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

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

17 (iii) One consumer of services;

18 (iv) One community mental health service provider;

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

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

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

24 (viii) One representative from the nursing staff;

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

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

27 (xi) One representative of a minority community.

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

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

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

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

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

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

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

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

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

16 (4)(a) There is established at eastern state hospital and western  
17 state hospital, institutes for the study and treatment of mental  
18 disorders. The institutes shall be operated by joint operating  
19 agreements between state colleges and universities and the department  
20 of social and health services. The institutes are intended to:

21 (i) Promote recruitment and retention of highly qualified  
22 professionals at the state hospitals;

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

26 (iii) Provide expanded training opportunities for existing staff at  
27 the state hospitals;

28 (iv) Promote bilateral understanding of treatment orientation,  
29 possibilities, and challenges between state hospital professionals and  
30 community mental health professionals.

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

3 (i) Enter joint operating agreements with state universities or  
4 other institutions of higher education to accomplish the placement and  
5 training of students and faculty in psychiatry, psychology, social  
6 work, occupational therapy, nursing, and other relevant professions at  
7 the state hospitals;

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

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

13 (iv) Establish a student loan forgiveness program to retain  
14 qualified professionals at the state hospitals when the superintendent  
15 has determined a shortage of such professionals exists.

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

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

23 (5) The department shall review the diagnoses and treatment history  
24 of hospital patients and create a plan to locate inappropriately placed  
25 persons into medicaid reimbursable nursing homes or other nonhospital  
26 settings. The plan shall be submitted to the legislature by June 30,  
27 1990.

28 **Sec. 61.** RCW 74.18.020 and 1983 c 194 s 2 are each amended to read  
29 as follows:

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

3 (1) "Department" means an agency of state government called the  
4 department of services for the blind.

5 (2) "Director" means the director of the state agency appointed by  
6 the governor (~~((with the consent of the senate))~~).

7 (3) "Advisory council" means the body of members appointed by the  
8 governor to advise the state agency.

9 (4) "Blind" means a person who has no vision or whose vision with  
10 corrective lenses is so defective as to prevent the performance of  
11 ordinary activities for which eyesight is essential, or who has an eye  
12 condition of a progressive nature which may lead to blindness.

13 **Sec. 62.** RCW 74.18.040 and 1983 c 194 s 4 are each amended to read  
14 as follows:

15 The executive head of the department shall be the director of the  
16 department of services for the blind. The director shall be appointed  
17 by the governor(~~(, with the consent of the senate,)~~) and hold office at  
18 the pleasure of the governor. The director's salary shall be fixed by  
19 the governor in accordance with the provisions of RCW 43.03.040.

20 **Sec. 63.** RCW 75.40.040 and 1983 1st ex.s. c 46 s 152 are each  
21 amended to read as follows:

22 The director, ex officio, and two appointees of the governor  
23 representing the fishing industry shall act as the representatives of  
24 this state on the Pacific Marine Fisheries Commission. (~~(The~~  
25 ~~appointees of the governor are subject to confirmation by the state~~  
26 ~~senate.)~~)

1       **Sec. 64.** RCW 76.09.210 and 1979 ex.s. c 47 s 4 are each amended to  
2 read as follows:

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

6       (2) The forest practices appeals board shall consist of three  
7 members qualified by experience and training in pertinent matters  
8 pertaining to the environment, and at least one member of the appeals  
9 board shall have been admitted to the practice of law in this state and  
10 shall be engaged in the legal profession at the time of his  
11 appointment. The appeals board shall be appointed by the governor  
12 (~~with the advice and consent of the senate~~), and no more than two of  
13 the members at the time of appointment or during their term shall be  
14 members of the same political party.

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

21       (4) Any member may be removed for inefficiency, malfeasance, or  
22 misfeasance in office, upon specific written charges filed by the  
23 governor, who shall transmit such written charges to the member accused  
24 and to the chief justice of the supreme court. The chief justice shall  
25 thereupon designate a tribunal composed of three judges of the superior  
26 court to hear and adjudicate the charges. Such tribunal shall fix the  
27 time of the hearing, which shall be public, and the procedure for the  
28 hearing, and the decision of such tribunal shall be final and not  
29 subject to review by the supreme court. Removal of any member by the  
30 tribunal shall disqualify such member for reappointment.



1 (5) Each member of the appeals board:

2 (a) Shall not be a candidate for nor hold any other public office  
3 or trust, and shall not engage in any occupation or business  
4 interfering with or inconsistent with his duty as a member, nor shall  
5 he serve on or under any committee of any political party; and

6 (b) Shall not for a period of one year after the termination of his  
7 membership, act in a representative capacity before the appeals board  
8 on any matter.

9 **Sec. 65.** RCW 77.04.030 and 1987 c 506 s 5 are each amended to read  
10 as follows:

11 The state wildlife commission consists of six registered voters of  
12 the state. In January of each odd-numbered year, the governor shall  
13 appoint (~~with the advice and consent of the senate~~) two registered  
14 voters to the commission to serve for terms of six years from that  
15 January or until their successors are appointed and qualified. If a  
16 vacancy occurs on the commission prior to the expiration of a term, the  
17 governor shall appoint a registered voter within sixty days to complete  
18 the term. Three members shall be residents of that portion of the  
19 state lying east of the summit of the Cascade mountains, and three  
20 shall be residents of that portion of the state lying west of the  
21 summit of the Cascade mountains. No two members may be residents of  
22 the same county. The legal office of the commission is at the  
23 administrative office of the department in Olympia.

24 **Sec. 66.** RCW 78.52.020 and 1988 c 128 s 49 are each amended to  
25 read as follows:

26 (1) There is hereby created and established an oil and gas  
27 conservation committee, which shall consist of the commissioner of

1 public lands, the director of ecology, four residents of the state of  
2 Washington appointed by the governor, and the state treasurer.

3 (2) Three of the members appointed by the governor shall reside  
4 east of the Cascades. The fourth member appointed by the governor  
5 shall reside west of the Cascades.

6 ~~((a) The members appointed by the governor shall serve subject to  
7 confirmation by the senate.~~

8 ~~(b))~~ The members appointed by the governor shall serve four-year  
9 terms except for initial appointments, which shall be made as follows:  
10 One member shall serve for one year, one member shall serve for two  
11 years, one member shall serve for three years, and one member shall  
12 serve for four years. All subsequent appointments shall be for four  
13 years. In the event of a vacancy the governor shall make an  
14 appointment, consistent with this section, for the duration of the  
15 vacated term.

16 (3) The chairman and the executive secretary of the committee shall  
17 be elected by the members of the committee.

18 (4) The members of the committee may act through designated agents  
19 or deputies for the purpose of carrying out the provisions of this  
20 chapter.

21 **Sec. 67.** RCW 80.01.010 and 1961 c 307 s 4 are each amended to read  
22 as follows:

23 There is hereby created and established a state commission to be  
24 known and designated as the Washington utilities and transportation  
25 commission, and in this chapter referred to as the commission.

26 The commission shall be composed of three members appointed by the  
27 governor(~~(, with the consent of the senate)~~). Not more than two  
28 members of said commission shall belong to the same political party.

1       The members of the first commission to be appointed after taking  
2 effect of this section shall be appointed for terms beginning April 1,  
3 1951, and expiring as follows: One commissioner for the term expiring  
4 January 1, 1953; one commissioner for the term expiring January 1,  
5 1955; one commissioner for the term expiring January 1, 1957. Each of  
6 the commissioners shall hold office until his successor is appointed  
7 and qualified. Upon the expiration of the terms of the three  
8 commissioners first to be appointed as herein provided, each succeeding  
9 commissioner shall be appointed and hold office for the term of six  
10 years. One of such commissioners to be designated by the governor,  
11 shall, during the term of the appointing governor, be the chairman of  
12 the commission.

13       Each commissioner shall receive a salary as may be fixed by the  
14 governor in accordance with the provisions of RCW 43.03.040.

15       Any member of the commission may be removed for inefficiency,  
16 malfeasance, or misfeasance in office, upon specific written charges  
17 filed by the governor, who shall transmit such written charges to the  
18 member accused and to the chief justice of the supreme court. The  
19 chief justice shall thereupon designate a special tribunal composed of  
20 three judges of the superior court to hear and adjudicate the charges.  
21 Such tribunal shall fix the time, place, and procedure for the hearing,  
22 and the hearing shall be public. The decision of such tribunal shall  
23 be final and not subject to review.

24       If the tribunal specified herein finds the charges of the governor  
25 to be true, the governor shall have the right to immediately remove the  
26 commissioner from office, to declare the position of the commissioner  
27 vacant, and appoint another commissioner to the position in accordance  
28 with the provisions of the law.

29       Any vacancy arising in the office of commissioner shall be filled  
30 by appointment by the governor, and an appointee selected to fill such

1 vacancy shall hold office for the balance of the full term for which  
2 his predecessor on the commission was appointed.

3 ~~((If a vacancy occurs while the senate is not in session, the  
4 governor shall make a temporary appointment until the next meeting of  
5 the senate, when he shall present to the senate his nomination or  
6 nominations for the office to be filled.))~~

7 **Sec. 68.** RCW 80.50.030 and 1990 c 12 s 3 are each amended to read  
8 as follows:

9 (1) There is created and established the energy facility site  
10 evaluation council.

11 (2)(a) The chairman of the council shall be appointed by the  
12 governor ~~((with the advice and consent of the senate))~~, shall have a  
13 vote on matters before the council, shall serve for a term coextensive  
14 with the term of the governor, and is removable for cause. The  
15 chairman may designate a member of the council to serve as acting  
16 chairman in the event of the chairman's absence. The chairman is a  
17 "state employee" for the purposes of chapter 42.18 RCW. As applicable,  
18 when attending meetings of the council~~(([, ]))~~, members may receive  
19 reimbursement for travel expenses in accordance with RCW 43.03.050 and  
20 43.03.060, and are eligible for compensation under RCW 43.03.240.

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

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

4 (a) Department of ecology;

5 (b) Department of fisheries;

6 (c) Department of wildlife;

7 (d) Parks and recreation commission;

8 (e) Department of health;

9 (f) State energy office;

10 (g) Department of trade and economic development;

11 (h) Utilities and transportation commission;

12 (i) Office of financial management;

13 (j) Department of natural resources;

14 (k) Department of community development;

15 (l) Department of agriculture;

16 (m) Department of transportation.

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

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

1           (6) For any port district wherein an application for a proposed  
2 port facility is filed subject to this chapter, the port district shall  
3 appoint a member or designee as a nonvoting member to the council. The  
4 member or designee so appointed shall sit with the council only at such  
5 times as the council considers the proposed site for the port district  
6 which he or she represents, and such member or designee shall serve  
7 until there has been a final acceptance or rejection of the proposed  
8 site. The provisions of this subsection shall not apply if the port  
9 district is the applicant, either singly or in partnership or  
10 association with any other person.

11           **Sec. 69.** RCW 82.03.020 and 1967 ex.s. c 26 s 31 are each amended  
12 to read as follows:

13           The board of tax appeals, hereinafter in this (~~1967 amendatory~~  
14 ~~act~~) chapter referred to as the board, shall consist of three members  
15 qualified by experience and training in the field of state and local  
16 taxation, appointed by the governor (~~with the advice and consent of~~  
17 ~~the senate~~), and no more than two of whom at the time of appointment  
18 or during their terms shall be members of the same political party.

19           **Sec. 70.** RCW 88.16.010 and 1987 c 485 s 1 are each amended to read  
20 as follows:

21           (1) The board of pilotage commissioners of the state of Washington  
22 is hereby created and shall consist of the assistant secretary of  
23 marine transportation of the department of transportation of the state  
24 of Washington, or the assistant secretary's designee who shall be an  
25 employee of the marine division, who shall be chairperson, and six  
26 members appointed by the governor (~~and confirmed by the senate~~).  
27 Each of said appointed commissioners shall be appointed for a term of  
28 four years from the date of said member's commission. No person shall

1 be eligible for appointment to said board unless that person is at the  
2 time of appointment eighteen years of age or over and a citizen of the  
3 United States and of the state of Washington. Two of said appointed  
4 commissioners shall be pilots licensed under this chapter and actively  
5 engaged in piloting upon the waters covered by this chapter for at  
6 least three years immediately preceding the time of appointment and  
7 while serving on the board. One pilot shall be from the Puget Sound  
8 pilotage district and one shall be from the Grays Harbor pilotage  
9 district. Two of said appointed commissioners shall be actively  
10 engaged in the ownership, operation, or management of deep sea cargo  
11 and/or passenger carrying vessels for at least three years immediately  
12 preceding the time of appointment and while serving on the board. One  
13 of said shipping commissioners shall be a representative of American  
14 and one of foreign shipping. The remaining commissioners shall be  
15 persons interested in and concerned with pilotage, maritime safety, and  
16 marine affairs, with broad experience related to the maritime industry  
17 exclusive of experience as either a state licensed pilot or as a  
18 shipping representative.

19 (2) Any vacancy in an appointed position on the board shall be  
20 filled by the governor for the remainder of the unfilled term, subject  
21 to confirmation by the senate.

22 (3) Four members of the board shall constitute a quorum. At least  
23 one pilot, one shipping representative, and one public member must be  
24 present at every meeting. All commissioners and the chairperson shall  
25 have a vote.

26 **Sec. 71.** RCW 90.70.011 and 1990 c 115 s 2 are each amended to read  
27 as follows:

28 (1) There is established the Puget Sound water quality authority  
29 composed of eleven members. Nine members shall be appointed by the

1 governor (~~and confirmed by the senate~~). In addition, the  
2 commissioner of public lands or the commissioner's designee and the  
3 director of ecology or the director's designee shall serve as ex  
4 officio members. Three of the members shall include a representative  
5 from the counties, a representative from the cities, and a tribal  
6 representative. The director of ecology shall be chair of the  
7 authority. In making these appointments, the governor shall seek to  
8 include representation of the variety of interested parties concerned  
9 about Puget Sound water quality. Of the appointed members, at least  
10 one shall be selected from each of the six congressional districts  
11 surrounding Puget Sound. Members shall serve four-year terms. Of the  
12 initial members appointed to the authority, two shall serve for two  
13 years, two shall serve for three years, and two shall serve for four  
14 years. Thereafter members shall be appointed to four-year terms.  
15 Members representing cities, counties, and the tribes shall also serve  
16 four-year staggered terms, as determined by the governor. Vacancies  
17 shall be filled by appointment for the remainder of the unexpired term  
18 of the position being vacated. The executive director of the authority  
19 shall be selected by the governor and shall serve at the pleasure of  
20 the governor. The executive director shall not be a member of the  
21 authority.

22 (2) Members shall be compensated as provided in RCW 43.03.250.  
23 Members shall be reimbursed for travel expenses as provided in RCW  
24 43.03.050 and 43.03.060.

25 (3) The executive director of the authority shall be a full-time  
26 employee responsible for the administration of all functions of the  
27 authority, including hiring and terminating staff, contracting,  
28 coordinating with the governor, the legislature, and other state and  
29 local entities, and the delegation of responsibilities as deemed



1 appropriate. The salary of the executive director shall be fixed by  
2 the governor, subject to RCW 43.03.040.

3 (4) The authority shall prepare a budget and a work plan.

4 (5) Not more than four employees of the authority may be exempt  
5 from the provisions of chapter 41.06 RCW.

6 (6) The executive director and staff of the authority shall be  
7 located in the Olympia area, as space becomes available. The  
8 department of general administration shall house the authority within  
9 the department of ecology.

10 NEW SECTION. **Sec. 72.** The following acts or parts of acts are  
11 each repealed:

12 (1) RCW 43.06.092 and 1981 c 338 s 2; and

13 (2) RCW 70.39.040 and 1984 c 288 s 4, 1977 c 36 s 1, & 1973 1st  
14 ex.s. c 5 s 5.