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SENATE BILL 5703

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State of Washington                      60th Legislature                      2007 Regular Session

By Senators Benton, Roach, Stevens, Swecker, Holmquist and Carrell

Read first time 01/29/2007.      Referred to Committee on Government Operations & Elections.

1            AN ACT Relating to requiring senate confirmation of certain  
2 commission and department appointments; and amending RCW 9.46.040,  
3 9.94A.880, 18.64.001, 18.85.071, 28A.410.200, 28B.07.030, 28B.20.100,  
4 28B.30.100, 28B.35.100, 28B.40.100, 28B.65.040, 28C.18.020, 36.102.030,  
5 38.12.010, 39.19.030, 41.05.021, 41.06.110, 41.58.010, 42.17.350,  
6 43.06.092, 43.06A.020, 43.17.020, 43.21B.020, 43.41.060, 43.43.020,  
7 43.78.010, 43.97.025, 43.105.047, 43.180.040, 43.210.030, 47.01.051,  
8 47.64.280, 49.60.050, 50.08.010, 51.52.010, 66.08.012, 67.16.012,  
9 67.70.030, 67.70.050, 72.23.025, 72.41.020, 72.42.021, 74.18.040,  
10 76.09.210, 77.04.030, 77.75.040, 77.85.110, 79A.05.015, 82.03.020,  
11 88.16.010, 9.95.003, 28B.50.050, 28B.50.100, 43.33A.020, 43.52.374,  
12 43.52A.030, 43.105.800, 49.04.010, and 80.01.010.

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

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

16            There shall be a commission, known as the "Washington state  
17 gambling commission", consisting of five members appointed by the  
18 governor (~~with the consent of the senate~~). The members of the  
19 commission shall be appointed within thirty days of July 16, 1973 for

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

16 Gubernatorial appointments made under this section are subject to  
17 the advice and consent of the senate.

18 In addition to the members of the commission there shall be four ex  
19 officio members without vote from the legislature consisting of: (1)  
20 Two members of the senate, one from the majority political party and  
21 one from the minority political party, both to be appointed by the  
22 president of the senate; (2) two members of the house of  
23 representatives, one from the majority political party and one from the  
24 minority political party, both to be appointed by the speaker of the  
25 house of representatives; such appointments shall be for the term of  
26 two years or for the period in which the appointee serves as a  
27 legislator, whichever expires first; members may be reappointed;  
28 vacancies shall be filled in the same manner as original appointments  
29 are made. Such ex officio members who shall collect data deemed  
30 essential to future legislative proposals and exchange information with  
31 the board shall be deemed engaged in legislative business while in  
32 attendance upon the business of the board and shall be limited to such  
33 allowances therefor as otherwise provided in RCW 44.04.120, the same to  
34 be paid from the "gambling revolving fund" as being expenses relative  
35 to commission business.

36 **Sec. 2.** RCW 9.94A.880 and 1981 c 137 s 25 are each amended to read  
37 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. However, the governor  
6 shall stagger the terms by appointing one of the initial members for  
7 a term of one year, one for a term of two years, one for a term of  
8 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 (6) Appointments made under this section are subject to the advice  
17 and consent of the senate.

18 **Sec. 3.** RCW 18.64.001 and 1984 c 153 s 1 are each amended to read  
19 as follows:

20 There shall be a state board of pharmacy consisting of seven  
21 members, to be appointed by the governor (~~(by and with the advice and~~  
22 ~~consent of the senate)~~). Five of the members shall be designated as  
23 pharmacist members and two of the members shall be designated a public  
24 member.

25 Each pharmacist member shall be a citizen of the United States and  
26 a resident of this state, and at the time of his appointment shall have  
27 been a duly registered pharmacist under the laws of this state for a  
28 period of at least five consecutive years immediately preceding his  
29 appointment and shall at all times during his incumbency continue to be  
30 a duly licensed pharmacist: PROVIDED, That subject to the availability  
31 of qualified candidates the governor shall appoint pharmacist members  
32 representative of the areas of practice and geographically  
33 representative of the state of Washington.

34 The public member shall be a citizen of the United States and a  
35 resident of this state. The public member shall be appointed from the  
36 public at large, but shall not be affiliated with any aspect of  
37 pharmacy.

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

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

7 Each member shall qualify by taking the usual oath of a state  
8 officer, which shall be filed with the secretary of state, and each  
9 member shall hold office for the term of his appointment and until his  
10 successor is appointed and qualified.

11 In case of the resignation or disqualification of a member, or a  
12 vacancy occurring from any cause, the governor shall appoint a  
13 successor for the unexpired term.

14 Appointments made under this section are subject to the advice and  
15 consent of the senate.

16 **Sec. 4.** RCW 18.85.071 and 1972 ex.s. c 139 s 6 are each amended to  
17 read as follows:

18 There is established the real estate commission of the state of  
19 Washington, consisting of the director of the commission and six  
20 commission members who shall act in an advisory capacity to the  
21 director.

22 The six commission members shall be appointed by the governor in  
23 the following manner: For a term of six years each, with the exception  
24 of the first appointees, who shall be appointed one for a term of one  
25 year, one for a term of two years, one for a term of three years, one  
26 for a term of four years, one for a term of five years, and one for a  
27 term of six years, with all other subsequent appointees to be appointed  
28 for a six year term. At least two of the commission members shall be  
29 selected from the area in the state west of the Cascade mountain range  
30 and at least two shall be selected from that area of the state east of  
31 the Cascade mountain range. No commission member shall be appointed  
32 who has had less than five years experience in the sale, operation, or  
33 management of real estate in this state, or has had at least three  
34 years experience in investigative work of a similar nature, preferably  
35 in connection with the administration of real estate license law of  
36 this state or elsewhere. Any vacancies on the commission shall be  
37 filled by appointment by the governor for the unexpired term.

1 Appointments made under this section are subject to the advice and  
2 consent of the senate.

3 **Sec. 5.** RCW 28A.410.200 and 2005 c 497 s 202 are each amended to  
4 read as follows:

5 (1)(a) The Washington professional educator standards board is  
6 created, consisting of twenty members to be appointed by the governor  
7 to four-year terms and the superintendent of public instruction.

8 (b) As the four-year terms of the first appointees expire or  
9 vacancies to the board occur for the first time, the governor shall  
10 appoint or reappoint the members of the board to one-year to four-year  
11 staggered terms. Once the one-year to three-year terms expire, all  
12 subsequent terms shall be for four years, with the terms expiring on  
13 June 30th of the applicable year. The terms shall be staggered in such  
14 a way that, where possible, the terms of members representing a  
15 specific group do not expire simultaneously.

16 (c) No person may serve as a member of the board for more than two  
17 consecutive full four-year terms.

18 (d) The governor shall annually appoint the chair of the board from  
19 among the teachers and principals on the board. No board member may  
20 serve as chair for more than two consecutive years.

21 (2) Seven of the members shall be public school teachers, one shall  
22 be a private school teacher, three shall represent higher education  
23 educator preparation programs, four shall be school administrators, two  
24 shall be educational staff associates, one shall be a classified  
25 employee who assists in public school student instruction, one shall be  
26 a parent, and one shall be a member of the public.

27 (3) Public school teachers appointed to the board must:

28 (a) Have at least three years of teaching experience in a  
29 Washington public school;

30 (b) Be currently certificated and actively employed in a teaching  
31 position; and

32 (c) Include one teacher currently teaching at the elementary school  
33 level, one at the middle school level, one at the high school level,  
34 and one vocationally certificated.

35 (4) Private school teachers appointed to the board must:

36 (a) Have at least three years of teaching experience in a  
37 Washington approved private school; and

1 (b) Be currently certificated and actively employed in a teaching  
2 position in an approved private school.

3 (5) Appointees from higher education educator preparation programs  
4 must include two representatives from institutions of higher education  
5 as defined in RCW 28B.10.016 and one representative from an institution  
6 of higher education as defined in RCW 28B.07.020(4).

7 (6) School administrators appointed to the board must:

8 (a) Have at least three years of administrative experience in a  
9 Washington public school district;

10 (b) Be currently certificated and actively employed in a school  
11 administrator position; and

12 (c) Include two public school principals, one Washington approved  
13 private school principal, and one superintendent.

14 (7) Educational staff associates appointed to the board must:

15 (a) Have at least three years of educational staff associate  
16 experience in a Washington public school district; and

17 (b) Be currently certificated and actively employed in an  
18 educational staff associate position.

19 (8) Public school classified employees appointed to the board must:

20 (a) Have at least three years of experience in assisting in the  
21 instruction of students in a Washington public school; and

22 (b) Be currently employed in a position that requires the employee  
23 to assist in the instruction of students.

24 (9) Each major caucus of the house of representatives and the  
25 senate shall submit a list of at least one public school teacher. In  
26 making the public school teacher appointments, the governor shall  
27 select one nominee from each list provided by each caucus. The  
28 governor shall appoint the remaining members of the board from a list  
29 of qualified nominees submitted to the governor by organizations  
30 representative of the constituencies of the board, from applications  
31 from other qualified individuals, or from both nominees and applicants.

32 (10) (~~All appointments to the board made by the governor shall be~~  
33 ~~subject to confirmation by the senate~~) Appointments made under this  
34 section are subject to the advice and consent of the senate.

35 (11) The governor shall appoint the members of the initial board no  
36 later than June 1, 2000.

37 (12) In appointing board members, the governor shall consider the  
38 diversity of the population of the state.

1 (13) Each member of the board shall be compensated in accordance  
2 with RCW 43.03.240 and shall be reimbursed for travel expenses incurred  
3 in carrying out the duties of the board in accordance with RCW  
4 43.03.050 and 43.03.060.

5 (14) The governor may remove a member of the board for neglect of  
6 duty, misconduct, malfeasance or misfeasance in office, or for  
7 incompetency or unprofessional conduct as defined in chapter 18.130  
8 RCW. In such a case, the governor shall file with the secretary of  
9 state a statement of the causes for and the order of removal from  
10 office, and the secretary of state shall send a certified copy of the  
11 statement of causes and order of removal to the last known post office  
12 address of the member.

13 (15) If a vacancy occurs on the board, the governor shall appoint  
14 a replacement member from the nominees as specified in subsection (9)  
15 of this section to fill the remainder of the unexpired term. When  
16 filling a vacancy of a member nominated by a major caucus of the  
17 legislature, the governor shall select the new member from a list of at  
18 least one name submitted by the same caucus that provided the list from  
19 which the retiring member was appointed.

20 (16) Members of the board shall hire an executive director and an  
21 administrative assistant to reside in the office of the superintendent  
22 of public instruction for administrative purposes only.

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

25 (1) The Washington higher education facilities authority is hereby  
26 established as a public body corporate and politic, with perpetual  
27 corporate succession, constituting an agency of the state of Washington  
28 exercising essential governmental functions. The authority is a  
29 "public body" within the meaning of RCW 39.53.010.

30 (2) The authority shall consist of seven members as follows: The  
31 governor, lieutenant governor, executive director of the higher  
32 education coordinating board, and four public members, one of whom  
33 shall be the president of a higher education institution at the time of  
34 appointment. The public members shall be residents of the state and  
35 appointed by the governor(~~(, subject to confirmation by the senate,)~~)  
36 on the basis of their interest or expertise in the provision of higher  
37 education and the financing of higher education. Gubernatorial

1 appointments made under this section are subject to the advice and  
2 consent of the senate. The public members of the authority shall serve  
3 for terms of four years. The initial terms of the public members shall  
4 be staggered in a manner determined by the governor. In the event of  
5 a vacancy on the authority due to death, resignation, or removal of one  
6 of the public members, and upon the expiration of the term of any  
7 public member, the governor shall appoint a successor for a term  
8 expiring on the fourth anniversary of the successor's date of the  
9 appointment. If any of the state offices are abolished, the resulting  
10 vacancy on the authority shall be filled by the state officer who shall  
11 succeed substantially to the power and duties of the abolished office.  
12 Any public member of the authority may be removed by the governor for  
13 misfeasance, malfeasance, willful neglect of duty, or any other cause  
14 after notice and a public hearing, unless such notice and hearing shall  
15 be expressly waived in writing.

16 (3) The governor shall serve as chairperson of the authority. The  
17 authority shall elect annually one of its members as secretary. If the  
18 governor shall be absent from a meeting of the authority, the secretary  
19 shall preside. However, the governor may designate an employee of the  
20 governor's office to act on the governor's behalf in all other respects  
21 during the absence of the governor at any meeting of the authority. If  
22 the designation is in writing and is presented to the person presiding  
23 at the meetings of the authority who is included in the designation,  
24 the vote of the designee has the same effect as if cast by the  
25 governor.

26 (4) Any person designated by resolution of the authority shall keep  
27 a record of the proceedings of the authority and shall be the custodian  
28 of all books, documents, and papers filed with the authority, the  
29 minute book or a journal of the authority, and the authority's official  
30 seal, if any. The person may cause copies to be made of all minutes  
31 and other records and documents of the authority, and may give  
32 certificates to the effect that such copies are true copies. All  
33 persons dealing with the authority may rely upon the certificates.

34 (5) Four members of the authority constitute a quorum. The  
35 authority may act on the basis of a motion except when authorizing the  
36 issuance and sale of bonds, in which case the authority shall act by  
37 resolution. Bond resolutions and other resolutions shall be adopted  
38 upon the affirmative vote of four members of the authority, and shall



1 be signed by those members voting yes. Motions shall be adopted upon  
2 the affirmative vote of a majority of a quorum of members present at  
3 any meeting of the authority. All actions taken by the authority shall  
4 take effect immediately without need for publication or other public  
5 notice. A vacancy in the membership of the authority does not impair  
6 the power of the authority to act under this chapter.

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

11 **Sec. 7.** RCW 28B.20.100 and 2006 c 78 s 1 are each amended to read  
12 as follows:

13 (1) The governance of the University of Washington shall be vested  
14 in a board of regents to consist of ten members, one of whom shall be  
15 a student. The governor shall select the student member from a list of  
16 candidates, of at least three and not more than five, submitted by the  
17 governing body of the associated students. They shall be appointed by  
18 the governor (~~((with the consent of the senate,))~~) and, except for the  
19 student member, shall hold their offices for a term of six years from  
20 the first day of October and until their successors shall be appointed  
21 and qualified. The student member shall hold his or her office for a  
22 term of one year from the first day of July until the first day of July  
23 of the following year or until his or her successor is appointed and  
24 qualified, whichever is later. The student member shall be a full-time  
25 student in good standing at the university at the time of appointment.

26 (2) Six members of said board shall constitute a quorum for the  
27 transaction of business. In the case of a vacancy, or when an  
28 appointment is made after the date of the expiration of a term, the  
29 governor shall fill the vacancy for the remainder of the term of the  
30 regent whose office has become vacant or expired.

31 (3) Except for the term of the student member, no more than the  
32 terms of two members will expire simultaneously on the last day of  
33 September in any one year.

34 (4) A student appointed under this section shall excuse himself or  
35 herself from participation or voting on matters relating to the hiring,  
36 discipline, or tenure of faculty members and personnel.

1       (5) Appointments made under this section are subject to the advice  
2 and consent of the senate.

3       **Sec. 8.** RCW 28B.30.100 and 2006 c 78 s 2 are each amended to read  
4 as follows:

5       (1) The governance of Washington State University shall be vested  
6 in a board of regents to consist of ten members one of whom shall be a  
7 student. The governor shall select the student member from a list of  
8 candidates, of at least three and not more than five, submitted by the  
9 governing body of the associated students. They shall be appointed by  
10 the governor(~~(, by and with the consent of the senate)~~) and, except for  
11 the student member, shall hold their offices for a term of six years  
12 from the first day of October and until their successors are appointed  
13 and qualified. The student member shall hold his or her office for a  
14 term of one year from the first day of July until the first day of July  
15 of the following year or until his or her successor is appointed and  
16 qualified, whichever is later. The student member shall be a full-time  
17 student in good standing at the university at the time of appointment.

18       (2) Six members of said board shall constitute a quorum for the  
19 transaction of business. In the case of a vacancy or when an  
20 appointment is made after the date of the expiration of a term, the  
21 governor shall fill the vacancy for the remainder of the term of the  
22 regent whose office has become vacant or expired.

23       (3) Except for the term of the student member, no more than the  
24 terms of two members will expire simultaneously on the last day of  
25 September in any one year.

26       (4) Each regent shall, before entering upon the discharge of his  
27 respective duties as such, execute a good and sufficient bond to the  
28 state of Washington, with two or more sufficient sureties, residents of  
29 the state, or with a surety company licensed to do business within the  
30 state, in the penal sum of not less than five thousand dollars,  
31 conditioned for the faithful performance of his duties as such regent:  
32 PROVIDED, That the university shall pay any fees incurred for any such  
33 bonds for their board members.

34       (5) A student appointed under this section shall excuse himself or  
35 herself from participation or voting on matters relating to the hiring,  
36 discipline, or tenure of faculty members and personnel.

1       (6) Appointments made under this section are subject to the advice  
2 and consent of the senate.

3       **Sec. 9.** RCW 28B.35.100 and 2006 c 78 s 3 are each amended to read  
4 as follows:

5       (1) The governance of each of the regional universities shall be  
6 vested in a board of trustees consisting of eight members, one of whom  
7 shall be a student. The governor shall select the student member from  
8 a list of candidates, of at least three and not more than five,  
9 submitted by the governing body of the associated students. They shall  
10 be appointed by the governor (~~with the consent of the senate~~) and,  
11 except for the student member, shall hold their offices for a term of  
12 six years from the first day of October and until their successors are  
13 appointed and qualified. The student member shall hold his or her  
14 office for a term of one year from the first day of July and until the  
15 first day of July of the following year or until his or her successor  
16 is appointed and qualified, whichever is later. The student member  
17 shall be a full-time student in good standing at the respective  
18 university at the time of appointment.

19       (2) Five members of the board constitute a quorum for the  
20 transaction of business. In case of a vacancy, or when an appointment  
21 is made after the date of expiration of the term, the governor shall  
22 fill the vacancy for the remainder of the term of the trustee whose  
23 office has become vacant or expired.

24       (3) Except for the term of the student member, no more than the  
25 terms of two members will expire simultaneously on the last day of  
26 September in any one year.

27       (4) A student appointed under this section shall excuse himself or  
28 herself from participation or voting on matters relating to the hiring,  
29 discipline, or tenure of faculty members and personnel.

30       (5) Appointments made under this section are subject to the advice  
31 and consent of the senate.

32       **Sec. 10.** RCW 28B.40.100 and 2006 c 78 s 4 are each amended to read  
33 as follows:

34       (1) The governance of The Evergreen State College shall be vested  
35 in a board of trustees consisting of eight members, one of whom shall  
36 be a student. The governor shall select the student member from a list

1 of candidates, of at least three and not more than five, submitted by  
2 the student body. They shall be appointed by the governor (~~with the~~  
3 ~~consent of the senate~~) and, except for the student member, shall hold  
4 their offices for a term of six years from the first day of October and  
5 until their successors are appointed and qualified. The student member  
6 shall hold his or her office for a term of one year from the first day  
7 of July and until the first day of July of the following year or until  
8 his or her successor is appointed and qualified, whichever is later.  
9 The student member shall be a full-time student in good standing at the  
10 college at the time of appointment.

11 (2) Five members of the board constitute a quorum for the  
12 transaction of business. In case of a vacancy, or when an appointment  
13 is made after the date of expiration of the term, the governor shall  
14 fill the vacancy for the remainder of the term of the trustee whose  
15 office has become vacant or expired.

16 (3) Except for the term of the student member, no more than the  
17 terms of two members will expire simultaneously on the last day of  
18 September in any one year.

19 (4) A student appointed under this section shall excuse himself or  
20 herself from participation or voting on matters relating to the hiring,  
21 discipline, or tenure of faculty members and personnel.

22 (5) Appointments made under this section are subject to the advice  
23 and consent of the senate.

24 **Sec. 11.** RCW 28B.65.040 and 1995 c 399 s 29 are each amended to  
25 read as follows:

26 (1) The Washington high-technology coordinating board is hereby  
27 created.

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

29 (a) Eleven shall be citizen members appointed by the governor(~~(~~  
30 ~~with the consent of the senate,~~) for four-year terms. In making the  
31 appointments the governor shall ensure that a balanced geographic  
32 representation of the state is achieved and shall attempt to choose  
33 persons experienced in high-technology fields, including at least one  
34 representative of labor. Any person appointed to fill a vacancy  
35 occurring before a term expires shall be appointed only for the  
36 remainder of that term; and

1 (b) Seven of the members shall be as follows: One representative  
2 from each of the state's two research universities, one representative  
3 of the state college and regional universities, the director for the  
4 state system of community and technical colleges or the director's  
5 designee, the superintendent of public instruction or the  
6 superintendent's designee, a representative of the higher education  
7 coordinating board, and the director of the department of community,  
8 trade, and economic development or the director's designee.

9 (3) Members of the board shall not receive any salary for their  
10 services, but shall be reimbursed for travel expenses under RCW  
11 43.03.050 and 43.03.060 for each day actually spent in attending to  
12 duties as a member of the board.

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

16 (5) Appointments made under this section are subject to the advice  
17 and consent of the senate.

18 **Sec. 12.** RCW 28C.18.020 and 1991 c 238 s 3 are each amended to  
19 read as follows:

20 (1) There is hereby created the work force training and education  
21 coordinating board as a state agency and as the successor agency to the  
22 state board for vocational education. Once the coordinating board has  
23 convened, all references to the state board for vocational education in  
24 the Revised Code of Washington shall be construed to mean the work  
25 force training and education coordinating board, except that reference  
26 to the state board for vocational education in RCW 49.04.030 shall mean  
27 the state board for community and technical colleges.

28 (2)(a) The board shall consist of nine voting members appointed by  
29 the governor (~~(with the consent of the senate,)~~) as follows: Three  
30 representatives of business, three representatives of labor, and,  
31 serving as ex officio members, the superintendent of public  
32 instruction, the executive director of the state board for community  
33 and technical colleges, and the commissioner of the employment security  
34 department. The chair of the board shall be a nonvoting member  
35 selected by the governor with the consent of the senate, and shall  
36 serve at the pleasure of the governor. In selecting the chair, the  
37 governor shall seek a person who understands the future economic needs

1 of the state and nation and the role that the state's training system  
2 has in meeting those needs. Each voting member of the board may  
3 appoint a designee to function in his or her place with the right to  
4 vote. In making appointments to the board, the governor shall seek to  
5 ensure geographic, ethnic, and gender diversity and balance. The  
6 governor shall also seek to ensure diversity and balance by the  
7 appointment of persons with disabilities.

8 (b) The business representatives shall be selected from among  
9 nominations provided by a statewide business organization representing  
10 a cross-section of industries. However, the governor may request, and  
11 the organization shall provide, an additional list or lists from which  
12 the governor shall select the business representatives. The  
13 nominations and selections shall reflect the cultural diversity of the  
14 state, including women, people with disabilities, and racial and ethnic  
15 minorities, and diversity in sizes of businesses.

16 (c) The labor representatives shall be selected from among  
17 nominations provided by statewide labor organizations. However, the  
18 governor may request, and the organizations shall provide, an  
19 additional list or lists from which the governor shall select the labor  
20 representatives. The nominations and selections shall reflect the  
21 cultural diversity of the state, including women, people with  
22 disabilities, and racial and ethnic minorities.

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

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

29 (f) The chair shall appoint to the board one nonvoting member to  
30 represent racial and ethnic minorities, women, and people with  
31 disabilities. The nonvoting member appointed by the chair shall serve  
32 for a term of four years with the term expiring on June 30th of the  
33 fourth year of the term.

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

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

5 (i) Any vacancies among board members representing business or  
6 labor shall be filled by the governor with nominations provided by  
7 statewide organizations representing business or labor, respectively.

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

12 (k) Members of the board shall be compensated in accordance with  
13 RCW 43.03.040 and shall receive travel expenses in accordance with RCW  
14 43.03.050 and 43.03.060.

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

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

26 (n) Appointments made under this section are subject to the advice  
27 and consent of the senate.

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

34 **Sec. 13.** RCW 36.102.030 and 1997 c 220 s 103 are each amended to  
35 read as follows:

36 (1) A public stadium authority shall be governed by a board of  
37 directors consisting of seven members appointed by the governor. The

1 speaker of the house of representatives, the minority leader of the  
2 house of representatives, the majority leader of the senate, and the  
3 minority leader of the senate shall each recommend to the governor a  
4 person to be appointed to the board.

5 (2) Members of the board of directors shall serve four-year terms  
6 of office, except that three of the initial seven board members shall  
7 serve two-year terms of office. The governor shall designate the  
8 initial terms of office for the initial members who are appointed.

9 (3) A vacancy shall be filled in the same manner as the original  
10 appointment was made and the person appointed to fill a vacancy shall  
11 serve for the remainder of the unexpired term of the office for the  
12 position to which he or she was appointed.

13 (4) A director appointed by the governor may be removed from office  
14 by the governor.

15 (5) Appointments made under this section are subject to the advice  
16 and consent of the senate.

17 **Sec. 14.** RCW 38.12.010 and 1989 c 19 s 11 are each amended to read  
18 as follows:

19 The governor(~~(, with the advice and consent of the senate,)~~) shall  
20 appoint an adjutant general who shall be chief of staff to the  
21 governor, and may be removed by the governor at will. The adjutant  
22 general shall appoint the civilian employees and other personnel of the  
23 department and may remove any of them in accordance with applicable  
24 law.

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

28 The adjutant general must execute an official bond running to the  
29 state in the penal sum of twenty thousand dollars conditioned for the  
30 faithful performance of his or her duties. The bond shall be submitted  
31 to the attorney general for approval, and when approved shall be filed  
32 in the office of the secretary of state. The cost of the bond shall be  
33 paid by the state.

34 The adjutant general may obtain and pay for, from funds  
35 appropriated for military purposes, a surety bond or bonds running to  
36 the state covering such officers of the organized militia responsible



1 to the state for money or military property, as may be advisable to  
2 insure proper accountability. The bond or bonds shall be approved and  
3 filed in the same manner as the adjutant general's bond.

4 Gubernatorial appointments made under this section are subject to  
5 the advice and consent of the senate.

6 **Sec. 15.** RCW 39.19.030 and 1996 c 69 s 5 are each amended to read  
7 as follows:

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

14 Gubernatorial appointments made under this section are subject to  
15 the advice and consent of the senate.

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

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

23 (2) Develop a comprehensive plan insuring that qualified minority  
24 and women-owned and controlled businesses are provided an opportunity  
25 to participate in public contracts for public works and goods and  
26 services;

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

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

34 (5) Develop and maintain a central minority and women's business  
35 enterprise certification list for all state agencies and educational  
36 institutions. No business is entitled to certification under this

1 chapter unless it meets the definition of small business concern as  
2 established by the office. All applications for certification under  
3 this chapter shall be sworn under oath;

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

6 (7) Adopt rules under chapter 34.05 RCW, the Administrative  
7 Procedure Act, governing: (a) Establishment of agency goals; (b)  
8 development and maintenance of a central minority and women's business  
9 enterprise certification program, including a definition of "small  
10 business concern" which shall be consistent with the small business  
11 requirements defined under section 3 of the Small Business Act, 15  
12 U.S.C. Sec. 632, and its implementing regulations as guidance; (c)  
13 procedures for monitoring and enforcing compliance with goals,  
14 regulations, contract provisions, and this chapter; (d) utilization of  
15 standard clauses by state agencies and educational institutions, as  
16 specified in RCW 39.19.050; and (e) determination of an agency's or  
17 educational institution's goal attainment consistent with the  
18 limitations of RCW 39.19.075;

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

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

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

33 **Sec. 16.** RCW 41.05.021 and 2006 c 103 s 2 are each amended to read  
34 as follows:

35 (1) The Washington state health care authority is created within  
36 the executive branch. The authority shall have an administrator  
37 appointed by the governor(~~(, with the consent of the senate)~~).

1 Gubernatorial appointments made under this section are subject to the  
2 advice and consent of the senate. The administrator shall serve at the  
3 pleasure of the governor. The administrator may employ up to seven  
4 staff members, who shall be exempt from chapter 41.06 RCW, and any  
5 additional staff members as are necessary to administer this chapter.  
6 The administrator may delegate any power or duty vested in him or her  
7 by this chapter, including authority to make final decisions and enter  
8 final orders in hearings conducted under chapter 34.05 RCW. The  
9 primary duties of the authority shall be to: Administer state  
10 employees' insurance benefits and retired or disabled school employees'  
11 insurance benefits; administer the basic health plan pursuant to  
12 chapter 70.47 RCW; study state-purchased health care programs in order  
13 to maximize cost containment in these programs while ensuring access to  
14 quality health care; and implement state initiatives, joint purchasing  
15 strategies, and techniques for efficient administration that have  
16 potential application to all state-purchased health services. The  
17 authority's duties include, but are not limited to, the following:

18 (a) To administer health care benefit programs for employees and  
19 retired or disabled school employees as specifically authorized in RCW  
20 41.05.065 and in accordance with the methods described in RCW  
21 41.05.075, 41.05.140, and other provisions of this chapter;

22 (b) To analyze state-purchased health care programs and to explore  
23 options for cost containment and delivery alternatives for those  
24 programs that are consistent with the purposes of those programs,  
25 including, but not limited to:

26 (i) Creation of economic incentives for the persons for whom the  
27 state purchases health care to appropriately utilize and purchase  
28 health care services, including the development of flexible benefit  
29 plans to offset increases in individual financial responsibility;

30 (ii) Utilization of provider arrangements that encourage cost  
31 containment, including but not limited to prepaid delivery systems,  
32 utilization review, and prospective payment methods, and that ensure  
33 access to quality care, including assuring reasonable access to local  
34 providers, especially for employees residing in rural areas;

35 (iii) Coordination of state agency efforts to purchase drugs  
36 effectively as provided in RCW 70.14.050;

37 (iv) Development of recommendations and methods for purchasing  
38 medical equipment and supporting services on a volume discount basis;

1 (v) Development of data systems to obtain utilization data from  
2 state-purchased health care programs in order to identify cost centers,  
3 utilization patterns, provider and hospital practice patterns, and  
4 procedure costs, utilizing the information obtained pursuant to RCW  
5 41.05.031; and

6 (vi) In collaboration with other state agencies that administer  
7 state purchased health care programs, private health care purchasers,  
8 health care facilities, providers, and carriers:

9 (A) Use evidence-based medicine principles to develop common  
10 performance measures and implement financial incentives in contracts  
11 with insuring entities, health care facilities, and providers that:

12 (I) Reward improvements in health outcomes for individuals with  
13 chronic diseases, increased utilization of appropriate preventive  
14 health services, and reductions in medical errors; and

15 (II) Increase, through appropriate incentives to insuring entities,  
16 health care facilities, and providers, the adoption and use of  
17 information technology that contributes to improved health outcomes,  
18 better coordination of care, and decreased medical errors;

19 (B) Through state health purchasing, reimbursement, or pilot  
20 strategies, promote and increase the adoption of health information  
21 technology systems, including electronic medical records, by hospitals  
22 as defined in RCW 70.41.020(4), integrated delivery systems, and  
23 providers that:

24 (I) Facilitate diagnosis or treatment;

25 (II) Reduce unnecessary duplication of medical tests;

26 (III) Promote efficient electronic physician order entry;

27 (IV) Increase access to health information for consumers and their  
28 providers; and

29 (V) Improve health outcomes;

30 (C) Coordinate a strategy for the adoption of health information  
31 technology systems using the final health information technology report  
32 and recommendations developed under chapter 261, Laws of 2005(~~(-)~~);i

33 (c) To analyze areas of public and private health care interaction;

34 (d) To provide information and technical and administrative  
35 assistance to the board;

36 (e) To review and approve or deny applications from counties,  
37 municipalities, and other political subdivisions of the state to  
38 provide state-sponsored insurance or self-insurance programs to their

1 employees in accordance with the provisions of RCW 41.04.205, setting  
2 the premium contribution for approved groups as outlined in RCW  
3 41.05.050;

4 (f) To establish billing procedures and collect funds from school  
5 districts in a way that minimizes the administrative burden on  
6 districts;

7 (g) To publish and distribute to nonparticipating school districts  
8 and educational service districts by October 1st of each year a  
9 description of health care benefit plans available through the  
10 authority and the estimated cost if school districts and educational  
11 service district employees were enrolled;

12 (h) To apply for, receive, and accept grants, gifts, and other  
13 payments, including property and service, from any governmental or  
14 other public or private entity or person, and make arrangements as to  
15 the use of these receipts to implement initiatives and strategies  
16 developed under this section; and

17 (i) To promulgate and adopt rules consistent with this chapter as  
18 described in RCW 41.05.160.

19 (2) On and after January 1, 1996, the public employees' benefits  
20 board may implement strategies to promote managed competition among  
21 employee health benefit plans. Strategies may include but are not  
22 limited to:

23 (a) Standardizing the benefit package;

24 (b) Soliciting competitive bids for the benefit package;

25 (c) Limiting the state's contribution to a percent of the lowest  
26 priced qualified plan within a geographical area;

27 (d) Monitoring the impact of the approach under this subsection  
28 with regards to: Efficiencies in health service delivery, cost shifts  
29 to subscribers, access to and choice of managed care plans statewide,  
30 and quality of health services. The health care authority shall also  
31 advise on the value of administering a benchmark employer-managed plan  
32 to promote competition among managed care plans.

33 **Sec. 17.** RCW 41.06.110 and 2002 c 354 s 210 are each amended to  
34 read as follows:

35 (1) There is hereby created a Washington personnel resources board  
36 composed of three members appointed by the governor(~~(, subject to~~  
37 ~~confirmation by the senate)~~). The members of the personnel board

1 serving June 30, 1993, shall be the members of the Washington personnel  
2 resources board, and they shall complete their terms as under the  
3 personnel board. Each odd-numbered year thereafter the governor shall  
4 appoint a member for a six-year term. Each member shall continue to  
5 hold office after the expiration of the member's term until a successor  
6 has been appointed. Persons so appointed shall have clearly  
7 demonstrated an interest and belief in the merit principle, shall not  
8 hold any other employment with the state, shall not have been an  
9 officer of a political party for a period of one year immediately prior  
10 to such appointment, and shall not be or become a candidate for  
11 partisan elective public office during the term to which they are  
12 appointed;

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

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

26 (4) The board may appoint and compensate hearing officers to hear  
27 and conduct appeals. Such compensation shall be paid on a contractual  
28 basis for each hearing, in accordance with the provisions of chapter  
29 43.88 RCW and rules adopted pursuant thereto, as they relate to  
30 personal service contracts.

31 (5) Appointments made under this section are subject to the advice  
32 and consent of the senate.

33 **Sec. 18.** RCW 41.58.010 and 1981 c 338 s 21 are each amended to  
34 read as follows:

35 (1) There is hereby created the public employment relations  
36 commission (hereafter called the "commission") to administer the  
37 provisions of this chapter. The commission shall consist of three

1 members who shall be citizens appointed by the governor (~~by and with~~  
2 ~~the advice and consent of the senate~~). One of the original members  
3 shall be appointed for a term of three years, one for a term of four  
4 years, and one for a term of five years. Their successors shall be  
5 appointed for terms of five years each, except that any person chosen  
6 to fill a vacancy shall be appointed only for the unexpired term of the  
7 member whom he succeeds. Commission members shall be eligible for  
8 reappointment. The governor shall designate one member to serve as  
9 chairman of the commission. Any member of the commission may be  
10 removed by the governor, upon notice and hearing, for neglect of duty  
11 or malfeasance in office, but for no other cause. Commission members  
12 shall not be eligible for state retirement under chapter 41.40 RCW by  
13 virtue of their service on the commission.

14 (2) In making citizen member appointments initially, and  
15 subsequently thereafter, the governor shall be cognizant of the  
16 desirability of appointing persons knowledgeable in the area of labor  
17 relations in the state.

18 (3) A vacancy in the commission shall not impair the right of the  
19 remaining members to exercise all of the powers of the commission, and  
20 two members of the commission shall, at all times, constitute a quorum  
21 of the commission.

22 (4) The commission shall at the close of each fiscal year make a  
23 report in writing to the legislature and to the governor stating the  
24 cases it has heard, the decisions it has rendered, the names, salaries,  
25 and duties of all employees and officers in the employ or under the  
26 supervision of the commission, and an account of all moneys it has  
27 disbursed.

28 (5) Appointments made under this section are subject to the advice  
29 and consent of the senate.

30 **Sec. 19.** RCW 42.17.350 and 1998 c 30 s 1 are each amended to read  
31 as follows:

32 (1) There is hereby established a "public disclosure commission"  
33 which shall be composed of five members who shall be appointed by the  
34 governor(~~(, with the consent of the senate)~~). All appointees shall be  
35 persons of the highest integrity and qualifications. No more than  
36 three members shall have an identification with the same political  
37 party.

1 (2) The term of each member shall be five years. No member is  
2 eligible for appointment to more than one full term. Any member may be  
3 removed by the governor, but only upon grounds of neglect of duty or  
4 misconduct in office.

5 (3) Appointments made under this section are subject to the advice  
6 and consent of the senate.

7 (4) During his or her tenure, a member of the commission is  
8 prohibited from engaging in any of the following activities, either  
9 within or outside the state of Washington:

10 (a) Holding or campaigning for elective office;

11 (b) Serving as an officer of any political party or political  
12 committee;

13 (c) Permitting his or her name to be used in support of or in  
14 opposition to a candidate or proposition;

15 (d) Soliciting or making contributions to a candidate or in support  
16 of or in opposition to any candidate or proposition;

17 (e) Participating in any way in any election campaign; or

18 (f) Lobbying, employing, or assisting a lobbyist, except that a  
19 member or the staff of the commission may lobby to the limited extent  
20 permitted by RCW 42.17.190 on matters directly affecting this chapter.

21 ~~((4))~~ (5) A vacancy on the commission shall be filled within  
22 thirty days of the vacancy by the governor, with the consent of the  
23 senate, and the appointee shall serve for the remaining term of his or  
24 her predecessor. A vacancy shall not impair the powers of the  
25 remaining members to exercise all of the powers of the commission.

26 ~~((5))~~ (6) Three members of the commission shall constitute a  
27 quorum. The commission shall elect its own chair and adopt its own  
28 rules of procedure in the manner provided in chapter 34.05 RCW.

29 ~~((6))~~ (7) Members shall be compensated in accordance with RCW  
30 43.03.250 and in addition shall be reimbursed for travel expenses  
31 incurred while engaged in the business of the commission as provided in  
32 RCW 43.03.050 and 43.03.060. The compensation provided pursuant to  
33 this section shall not be considered salary for purposes of the  
34 provisions of any retirement system created pursuant to the general  
35 laws of this state.

36 **Sec. 20.** RCW 43.06.092 and 1981 c 338 s 2 are each amended to read  
37 as follows:



1 (1) Any gubernatorial appointee subject to senate confirmation  
2 shall continue to serve unless rejected by a vote of the senate. If  
3 the senate does not vote on the appointment by the end of the next  
4 regularly scheduled legislative session after his or her appointment,  
5 the appointee shall be considered confirmed by the senate. An  
6 appointee who is rejected by a vote of the senate shall not be  
7 reappointed to the same position for a period of one year from  
8 termination of service.

9 (2) Any person appointed by the governor to fill the unexpired term  
10 of an appointment subject to senate confirmation must also be confirmed  
11 by the senate.

12 **Sec. 21.** RCW 43.06A.020 and 1998 c 288 s 7 are each amended to  
13 read as follows:

14 (1) (~~Subject to confirmation by the senate,~~) The governor shall  
15 appoint an ombudsman who shall be a person of recognized judgment,  
16 independence, objectivity, and integrity, and shall be qualified by  
17 training or experience, or both, in family and children's services law  
18 and policy. Prior to the appointment, the governor shall consult with,  
19 and may receive recommendations from the committee, regarding the  
20 selection of the ombudsman.

21 (2) The person appointed ombudsman shall hold office for a term of  
22 three years and shall continue to hold office until reappointed or  
23 until his or her successor is appointed. The governor may remove the  
24 ombudsman only for neglect of duty, misconduct, or inability to perform  
25 duties. Any vacancy shall be filled by similar appointment for the  
26 remainder of the unexpired term.

27 (3) Appointments made under this section are subject to the advice  
28 and consent of the senate.

29 **Sec. 22.** RCW 43.17.020 and 2006 c 265 s 112 are each amended to  
30 read as follows:

31 There shall be a chief executive officer of each department to be  
32 known as: (1) The secretary of social and health services, (2) the  
33 director of ecology, (3) the director of labor and industries, (4) the  
34 director of agriculture, (5) the director of fish and wildlife, (6) the  
35 secretary of transportation, (7) the director of licensing, (8) the  
36 director of general administration, (9) the director of community,

1 trade, and economic development, (10) the director of veterans affairs,  
2 (11) the director of revenue, (12) the director of retirement systems,  
3 (13) the secretary of corrections, (14) the secretary of health, (15)  
4 the director of financial institutions, (16) the director of the  
5 department of archaeology and historic preservation, and (17) the  
6 director of early learning.

7 Such officers, except the director of fish and wildlife, shall be  
8 appointed by the governor(~~(, with the consent of the senate,)~~) and hold  
9 office at the pleasure of the governor. The director of fish and  
10 wildlife shall be appointed by the fish and wildlife commission as  
11 prescribed by RCW 77.04.055.

12 Appointments made under this section are subject to the advice and  
13 consent of the senate.

14 **Sec. 23.** RCW 43.21B.020 and 1970 ex.s. c 62 s 32 are each amended  
15 to read as follows:

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

24 Appointments made under this section are subject to the advice and  
25 consent of the senate.

26 **Sec. 24.** RCW 43.41.060 and 1979 c 151 s 112 are each amended to  
27 read as follows:

28 The executive head of the office of financial management shall be  
29 the director, who shall be appointed by the governor (~~(with the consent~~  
30 ~~of the senate)),~~ and who shall serve at the pleasure of the governor.  
31 He shall be paid a salary to be fixed by the governor in accordance  
32 with the provisions of RCW 43.03.040. If a vacancy occurs in his  
33 position while the senate is not in session, the governor shall make a  
34 temporary appointment until the next meeting of the senate, when he  
35 shall present to that body his nomination for the office. The director

1 may delegate such of his powers, duties and functions to other officers  
2 and employees of the department as he may deem necessary to the  
3 fulfillment of the purposes of this chapter.

4 Appointments made under this section are subject to the advice and  
5 consent of the senate.

6 **Sec. 25.** RCW 43.43.020 and 2005 c 434 s 4 are each amended to read  
7 as follows:

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

11 The chief shall appoint a sufficient number of competent persons to  
12 act as Washington state patrol officers, may remove them for cause, as  
13 provided in this chapter, and shall make promotional appointments,  
14 determine their compensation, and define their rank and duties, as  
15 hereinafter provided. Before a person may be appointed to act as a  
16 Washington state patrol officer, the person shall meet the minimum  
17 standards for employment with the Washington state patrol, including  
18 successful completion of a psychological examination and polygraph  
19 examination or similar assessment procedure administered by the chief  
20 or his or her designee in accordance with the requirements of RCW  
21 43.101.095(2).

22 The chief may appoint employees of the Washington state patrol to  
23 serve as special deputies, with such restricted police authority as the  
24 chief shall designate as being necessary and consistent with their  
25 assignment to duty. Such appointment and conferral of authority shall  
26 not qualify said employees for membership in the Washington state  
27 patrol retirement system, nor shall it grant tenure of office as a  
28 regular officer of the Washington state patrol.

29 The chief may personally appoint, with the consent of the state  
30 treasurer, employees of the office of the state treasurer who are  
31 qualified under the standards of the criminal justice training  
32 commission, or who have comparable training and experience, to serve as  
33 special deputies. The law enforcement powers of any special deputies  
34 appointed in the office of the state treasurer shall be designated by  
35 the chief and shall be restricted to those powers necessary to provide  
36 for statewide security of the holdings or property of or under the  
37 custody of the office of the state treasurer. These appointments may

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

10 Gubernatorial appointments made under this section are subject to  
11 the advice and consent of the senate.

12 **Sec. 26.** RCW 43.78.010 and 1981 c 338 s 6 are each amended to read  
13 as follows:

14 There shall be a public printer appointed by the governor (~~with~~  
15 ~~the advice and consent of the senate~~), who shall hold office at the  
16 pleasure of the governor and until his successor is appointed and  
17 qualified.

18 Appointments made under this section are subject to the advice and  
19 consent of the senate.

20 **Sec. 27.** RCW 43.97.025 and 1987 c 499 s 2 are each amended to read  
21 as follows:

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

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

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

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

1 (4) Each member appointed by the governor (~~((shall be subject to~~  
2 ~~confirmation by the Washington state senate and))~~) shall serve at the  
3 pleasure of the governor until (~~(their))~~ the member's term (~~((shall))~~  
4 expires or until a disqualifying change in residence. Appointments  
5 made under this section are subject to the advice and consent of the  
6 senate.

7 (5) Of those members appointed to the Columbia River Gorge  
8 commission by the governing body of the counties of Clark, Klickitat,  
9 and Skamania, the governor shall designate one member to serve for a  
10 term of five years and one to serve for six years. Of those members  
11 appointed directly by the governor pursuant to RCW 43.97.015, the  
12 governor shall designate one to serve a term of five years and one to  
13 serve a term of six years. All other members shall serve a period of  
14 four years.

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

18 Vacancies shall be filled in accordance with the appointing  
19 procedure for the commission member occupying the seat before its  
20 vacancy.

21 **Sec. 28.** RCW 43.105.047 and 1999 c 80 s 5 are each amended to read  
22 as follows:

23 There is created the department of information services. The  
24 department shall be headed by a director appointed by the governor  
25 (~~((with the consent of the senate))~~). Gubernatorial appointments made  
26 under this section are subject to the advice and consent of the senate.  
27 The director shall serve at the governor's pleasure and shall receive  
28 such salary as determined by the governor. The director shall:

29 (1) Appoint a confidential secretary and such deputy and assistant  
30 directors as needed to administer the department;

31 (2) Maintain and fund a strategic planning and policy component  
32 separate from the services component of the department;

33 (3) Appoint, after consulting with the board, the assistant or  
34 deputy director for the planning component;

35 (4) Appoint such professional, technical, and clerical assistants  
36 and employees as may be necessary to perform the duties imposed by this  
37 chapter;

1 (5) Report to the governor and the board any matters relating to  
2 abuses and evasions of this chapter; and

3 (6) Recommend statutory changes to the governor and the board.

4 **Sec. 29.** RCW 43.180.040 and 1995 c 399 s 98 are each amended to  
5 read as follows:

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

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

14 (a) The state treasurer, ex officio;

15 (b) The director of community, trade, and economic development, ex  
16 officio;

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

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

22 (e) A representative of labor interests, appointed by the governor,  
23 (~~((with the consent of the senate,))~~) after consultation with  
24 representatives of organized labor;

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

27 (g) Five members of the public appointed by the governor, (~~((with  
28 the consent of the senate,))~~) on the basis of geographic distribution  
29 and their expertise in housing, real estate, finance, energy  
30 efficiency, or construction, one of whom shall be appointed by the  
31 governor as chair of the commission and who shall serve on the  
32 commission and as chair of the commission at the pleasure of the  
33 governor.

34 (3) The term of the persons appointed by the governor, other than  
35 the chair, shall be four years from the date of their appointment,  
36 except that the terms of three of the initial appointees shall be for  
37 two years from the date of their appointment. The governor shall

1 designate the appointees who will serve the two-year terms. An  
2 appointee may be removed by the governor for cause pursuant to RCW  
3 43.06.070 and 43.06.080. The governor shall fill any vacancy in an  
4 appointed position by appointment for the remainder of the unexpired  
5 term. If the department of community, trade, and economic development  
6 is abolished, the resulting vacancy shall be filled by a state official  
7 who shall be appointed to the commission by the governor. (~~If this~~  
8 ~~official occupies an office or position for which senate confirmation~~  
9 ~~is not required, then his or her appointment to the commission shall be~~  
10 ~~subject to the consent of the senate.~~) The members of the commission  
11 shall be compensated in accordance with RCW 43.03.240 and may be  
12 reimbursed, solely from the funds of the commission, for expenses  
13 incurred in the discharge of their duties under this chapter, subject  
14 to the provisions of RCW 43.03.050 and 43.03.060. A majority of the  
15 commission constitutes a quorum. Designees shall be appointed in such  
16 manner and shall exercise such powers as are specified by the rules of  
17 the commission.

18 ~~((3))~~ (4) Appointments made under this section are subject to the  
19 advice and consent of the senate.

20 (5) The commission may adopt an official seal and may select from  
21 its membership a vice chair, a secretary, and a treasurer. The  
22 commission shall establish rules concerning its exercise of the powers  
23 authorized by this chapter. The rules shall be adopted in conformance  
24 with chapter 34.05 RCW.

25 **Sec. 30.** RCW 43.210.030 and 1998 c 109 s 2 are each amended to  
26 read as follows:

27 The small business export finance assistance center and its  
28 branches shall be governed and managed by a board of seven directors  
29 appointed by the governor, with the advice of the board(~~, and~~  
30 ~~confirmed by the senate~~). The directors shall serve terms of four  
31 years following the terms of service established by the initial  
32 appointments after June 11, 1998. Three appointees, including  
33 directors on June 11, 1998, who are reappointed, must serve initial  
34 terms of two years and, if a director is reappointed that director may  
35 serve a consecutive four-year term. Four appointees, including  
36 directors on June 11, 1998, who are reappointed, must serve initial  
37 terms of four years and, if a director is reappointed that director may

1 serve a consecutive four-year term. After the initial appointments,  
2 directors may serve two consecutive terms. The directors may provide  
3 for the payment of their expenses. The directors shall include the  
4 director of community, trade, and economic development or the  
5 director's designee; representatives of a large financial institution  
6 engaged in financing export transactions in the state of Washington; a  
7 small financial institution engaged in financing export transactions in  
8 the state of Washington; a large exporting company domiciled in the  
9 state of Washington; a small exporting company in the state of  
10 Washington; organized labor in a trade involved in international  
11 commerce; and a representative at large. To the extent possible,  
12 appointments to the board shall reflect geographical balance and the  
13 diversity of the state population. Any vacancies on the board due to  
14 the expiration of a term or for any other reason shall be filled by  
15 appointment by the governor for the unexpired term.

16 Appointments made under this section are subject to the advice and  
17 consent of the senate.

18 **Sec. 31.** RCW 47.01.051 and 2006 c 334 s 1 are each amended to read  
19 as follows:

20 There is hereby created a transportation commission, which shall  
21 consist of seven voting members appointed by the governor, with the  
22 consent of the senate. The present five members of the highway  
23 commission shall serve as five initial members of the transportation  
24 commission until their terms of office as highway commission members  
25 would have expired. The additional two members provided herein for the  
26 transportation commission shall be appointed for initial terms to  
27 expire on June 30, 1982, and June 30, 1983. Thereafter all terms shall  
28 be for six years. No elective state official, state officer, or state  
29 employee shall be a member of the commission. At the time of  
30 appointment or thereafter during their respective terms of office, four  
31 members of the commission shall reside in the western part of the state  
32 and three members shall reside in the eastern part of the state as  
33 divided north and south by the summit of the Cascade mountains. No  
34 more than two members of the commission shall reside in the same  
35 county; however, the governor, or his or her designee, shall serve as  
36 a nonvoting member of the commission. Commission appointments should  
37 reflect both a wide range of transportation interests and a balanced



1 statewide geographic representation. Commissioners may be removed from  
2 office by the governor before the expiration of their terms for cause.  
3 No member shall be appointed for more than two consecutive terms.

4 Appointments made under this section are subject to the advice and  
5 consent of the senate.

6 **Sec. 32.** RCW 47.64.280 and 2006 c 164 s 18 are each amended to  
7 read as follows:

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

29 (2) Appointments made under this section are subject to the advice  
30 and consent of the senate.

31 (3) The commission shall: (a) Adjust all complaints, grievances,  
32 and disputes between labor and management arising out of the operation  
33 of the ferry system as provided in RCW 47.64.150; (b) provide for  
34 impasse mediation as required in RCW 47.64.210; (c) provide salary  
35 surveys as required in RCW 47.64.220; and (d) perform those duties  
36 required in RCW 47.64.300.

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

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

12       (c) The commission shall adopt rules of procedure under chapter  
13 34.05 RCW.

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

24       **Sec. 33.** RCW 49.60.050 and 1985 c 185 s 3 are each amended to read  
25 as follows:

26       There is created the "Washington state human rights commission,"  
27 which shall be composed of five members to be appointed by the governor  
28 (~~(with the advice and consent of the senate)~~), one of whom shall be  
29 designated as chairperson by the governor.

30       Appointments made under this section are subject to the advice and  
31 consent of the senate.

32       **Sec. 34.** RCW 50.08.010 and 1953 ex.s. c 8 s 3 are each amended to  
33 read as follows:

34       There is established the employment security department for the  
35 state, to be administered by a commissioner. The commissioner shall be

1 appointed by the governor (~~(with the consent of the senate)~~), and shall  
2 hold office at the pleasure of, and receive such compensation for his  
3 services as may be fixed by, the governor.

4 Appointments made under this section are subject to the advice and  
5 consent of the senate.

6 **Sec. 35.** RCW 51.52.010 and 2003 c 224 s 1 are each amended to read  
7 as follows:

8 There shall be a "board of industrial insurance appeals,"  
9 hereinafter called the "board," consisting of three members appointed  
10 by the governor(~~(, with the advice and consent of the senate,)~~) as  
11 hereinafter provided. One shall be a representative of the public and  
12 a lawyer, appointed from a mutually agreed to list of not less than  
13 three active or judicial members of the Washington state bar  
14 association, submitted to the governor by the two organizations defined  
15 below, and such member shall be the chairperson of said board. The  
16 second member shall be a representative of the majority of workers  
17 engaged in employment under this title and selected from a list of not  
18 less than three names submitted to the governor by an organization,  
19 statewide in scope, which through its affiliates embraces a cross  
20 section and a majority of the organized labor of the state. The third  
21 member shall be a representative of employers under this title, and  
22 appointed from a list of at least three names submitted to the governor  
23 by a recognized statewide organization of employers, representing a  
24 majority of employers. The initial terms of office of the members of  
25 the board shall be for six, four, and two years respectively.  
26 Thereafter all terms shall be for a period of six years. Each member  
27 of the board shall be eligible for reappointment and shall hold office  
28 until his or her successor is appointed and qualified. In the event of  
29 a vacancy the governor is authorized to appoint a successor to fill the  
30 unexpired term of his or her predecessor. All appointments to the  
31 board shall be made in conformity with the foregoing plan. In the  
32 event a board member becomes incapacitated in excess of thirty days  
33 either due to his or her illness or that of an immediate family member  
34 as determined by a request for family leave or as certified by the  
35 affected member's treating physician, the governor shall appoint an  
36 acting member to serve pro tem. Such an appointment shall be made in  
37 conformity with the foregoing plan, except that the list of candidates

1 shall be submitted to the governor not more than fifteen days after the  
2 affected organizations are notified of the incapacity and the governor  
3 shall make the appointment within fifteen days after the list is  
4 submitted. The temporary member shall serve until such time as the  
5 affected member is able to reassume his or her duties by returning from  
6 requested family leave or as determined by the treating physician or  
7 until the affected member's term expires, whichever occurs first.  
8 Whenever the workload of the board and its orderly and expeditious  
9 disposition shall necessitate, the governor may appoint two additional  
10 pro-tem members in addition to the regular members. Such appointments  
11 shall be for a definite period of time, and shall be made from lists  
12 submitted respectively by labor and industry as in the case of regular  
13 members. One pro-tem member shall be a representative of labor and one  
14 shall be a representative of industry. Members shall devote their  
15 entire time to the duties of the board and shall receive for their  
16 services a salary as fixed by the governor in accordance with the  
17 provisions of RCW 43.03.040 which shall be in addition to travel  
18 expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing  
19 or 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 Appointments made under this section are subject to the advice and  
23 consent of the senate.

24 **Sec. 36.** RCW 66.08.012 and 1961 c 307 s 7 are each amended to read  
25 as follows:

26 There shall be a board, known as the "Washington state liquor  
27 control board," consisting of three members, to be appointed by the  
28 governor, (~~with the consent of the senate,~~) who shall each be paid an  
29 annual salary to be fixed by the governor in accordance with the  
30 provisions of RCW 43.03.040. The governor may, in his discretion,  
31 appoint one of the members as chairman of the board, and a majority of  
32 the members shall constitute a quorum of the board.

33 Appointments made under this section are subject to the advice and  
34 consent of the senate.

35 **Sec. 37.** RCW 67.16.012 and 1998 c 345 s 4 are each amended to read  
36 as follows:

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

20        Appointments made under this section are subject to the advice and  
21 consent of the senate.

22        **Sec. 38.** RCW 67.70.030 and 1982 2nd ex.s. c 7 s 3 are each amended  
23 to read as follows:

24        There is created the state lottery commission to consist of five  
25 members appointed by the governor (~~with the consent of the senate~~).  
26 Of the initial members, one shall serve a term of two years, one shall  
27 serve a term of three years, one shall serve a term of four years, one  
28 shall serve a term of five years, and one shall serve a term of six  
29 years. Their successors, all of whom shall be citizen members  
30 appointed by the governor (~~with the consent of the senate~~), upon  
31 being appointed and qualified, shall serve six-year terms. No member  
32 of the commission who has served a full six-year term is eligible for  
33 reappointment. In case of a vacancy, it shall be filled by appointment  
34 by the governor for the unexpired portion of the term in which the  
35 vacancy occurs.

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

1 A majority of the members shall constitute a quorum for the  
2 transaction of business.

3 Appointments made under this section are subject to the advice and  
4 consent of the senate.

5 **Sec. 39.** RCW 67.70.050 and 1998 c 245 s 106 are each amended to  
6 read as follows:

7 There is created the office of director of the state lottery. The  
8 director shall be appointed by the governor (~~with the consent of the~~  
9 ~~senate~~). Appointments made under this section are subject to the  
10 advice and consent of the senate. The director shall serve at the  
11 pleasure of the governor and shall receive such salary as is determined  
12 by the governor, but in no case may the director's salary be more than  
13 ninety percent of the salary of the governor. The director shall:

14 (1) Supervise and administer the operation of the lottery in  
15 accordance with the provisions of this chapter and with the rules of  
16 the commission.

17 (2) Appoint such deputy and assistant directors as may be required  
18 to carry out the functions and duties of his office: PROVIDED, That  
19 the provisions of the state civil service law, chapter 41.06 RCW, shall  
20 not apply to such deputy and assistant directors.

21 (3) Appoint such professional, technical, and clerical assistants  
22 and employees as may be necessary to perform the duties imposed by this  
23 chapter: PROVIDED, That the provisions of the state civil service law,  
24 chapter 41.06 RCW, shall not apply to such employees as are engaged in  
25 undercover audit or investigative work or security operations but shall  
26 apply to other employees appointed by the director, except as provided  
27 for in subsection (2) of this section.

28 (4) In accordance with the provisions of this chapter and the rules  
29 of the commission, license as agents to sell or distribute lottery  
30 tickets such persons as in his opinion will best serve the public  
31 convenience and promote the sale of tickets or shares. The director  
32 may require a bond from any licensed agent, in such amount as provided  
33 in the rules of the commission. Every licensed agent shall prominently  
34 display his license, or a copy thereof, as provided in the rules of the  
35 commission. License fees may be established by the commission, and, if  
36 established, shall be deposited in the state lottery account created by  
37 RCW 67.70.230.

1 (5) Confer regularly as necessary or desirable with the commission  
2 on the operation and administration of the lottery; make available for  
3 inspection by the commission, upon request, all books, records, files,  
4 and other information and documents of the lottery; and advise the  
5 commission and recommend such matters as the director deems necessary  
6 and advisable to improve the operation and administration of the  
7 lottery.

8 (6) Subject to the applicable laws relating to public contracts,  
9 enter into contracts for the operation of the lottery, or any part  
10 thereof, and into contracts for the promotion of the lottery. No  
11 contract awarded or entered into by the director may be assigned by the  
12 holder thereof except by specific approval of the commission:  
13 PROVIDED, That nothing in this chapter authorizes the director to enter  
14 into public contracts for the regular and permanent administration of  
15 the lottery after the initial development and implementation.

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

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

31 (9) Make a continuous study and investigation of: (a) The  
32 operation and the administration of similar laws which may be in effect  
33 in other states or countries, (b) the operation of an additional game  
34 or games for the benefit of a particular program or purpose, (c) any  
35 literature on the subject which from time to time may be published or  
36 available, (d) any federal laws which may affect the operation of the  
37 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 chapter.

3 (10) Have all enforcement powers granted in chapter 9.46 RCW.

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

6 **Sec. 40.** RCW 72.23.025 and 2006 c 333 s 204 are each amended to  
7 read as follows:

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

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

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

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

29 (iii) One consumer of services;

30 (iv) One community mental health service provider;

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

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

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

36 (viii) One representative from the nursing staff;

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



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

2 (xi) One representative of a minority community.

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

5 (c) Members shall serve four-year terms. Members of the board  
6 shall be reimbursed for travel expenses as provided in RCW 43.03.050  
7 and 43.03.060 and shall receive compensation as provided in RCW  
8 43.03.240.

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

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

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

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

14 (d) Monitor and review the activities of the hospital in  
15 implementing the intent of the legislature set forth in this section;  
16 and

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

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

28 (i) Promote recruitment and retention of highly qualified  
29 professionals at the state hospitals and community mental health  
30 programs;

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

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

36 (iv) Promote bilateral understanding of treatment orientation,  
37 possibilities, and challenges between state hospital professionals and  
38 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 and community mental health programs;

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 and conditional  
14 scholarship program to retain qualified professionals at the state  
15 hospitals and community mental health providers when the secretary has  
16 determined a shortage of such professionals exists.

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

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

24 (5) Appointments made under this section are subject to the advice  
25 and consent of the senate.

26 **Sec. 41.** RCW 72.41.020 and 1993 c 147 s 7 are each amended to read  
27 as follows:

28 There is hereby created a board of trustees for the state school  
29 for the blind to be composed of a resident from each of the state's  
30 congressional districts now or hereafter existing. Trustees with  
31 voting privileges shall be appointed by the governor (~~with the consent~~  
32 ~~of the senate~~). A representative of the parent-teachers association  
33 of the Washington state school for the blind, a representative of the  
34 Washington council of the blind, a representative of the national  
35 federation of the blind of Washington, one representative designated by  
36 the teacher association of the Washington state school for the blind,  
37 and a representative of the classified staff designated by his or her

1 exclusive bargaining representative shall each be ex officio and  
2 nonvoting members of the board of trustees and shall serve during their  
3 respective tenures in such positions.

4 Trustees shall be appointed by the governor to serve for a term of  
5 five years except that any person appointed to fill a vacancy occurring  
6 prior to the expiration of any term shall be appointed within sixty  
7 days of the vacancy and appointed only for the remainder of the term.

8 One trustee shall be a resident and qualified elector from each of  
9 the state's congressional districts. The board shall not be deemed to  
10 be unlawfully constituted and a trustee shall not be deemed ineligible  
11 to serve the remainder of the trustee's unexpired term on the board  
12 solely by reason of the establishment of new or revised boundaries for  
13 congressional districts. No voting trustee may be an employee of the  
14 state school for the blind, a member of the board of directors of any  
15 school district, a member of the governing board of any public or  
16 private educational institution, a school district or educational  
17 service district administrator, appointed after July 1, 1986, or an  
18 elected officer or member of the legislative authority or any municipal  
19 corporation.

20 The board of trustees shall organize itself by electing a chairman  
21 from its members. The board shall adopt a seal and may adopt such  
22 bylaws, rules, and regulations as it deems necessary for its own  
23 government. A majority of the voting members of the board in office  
24 shall constitute a quorum, but a lesser number may convene from time to  
25 time and may compel the attendance of absent members in such manner as  
26 prescribed in its bylaws, rules, or regulations. The superintendent of  
27 the state school for the blind shall serve as, or may designate another  
28 person to serve as, the secretary of the board, who shall not be deemed  
29 to be a member of the board.

30 Gubernatorial appointments made under this section are subject to  
31 the advice and consent of the senate.

32 **Sec. 42.** RCW 72.42.021 and 2002 c 209 s 7 are each amended to read  
33 as follows:

34 (1) The governance of the school shall be vested in a board of  
35 trustees. The board shall consist of nine members appointed by the  
36 governor(~~(, with the consent of the senate)~~). The board shall be

1 composed of a resident from each of the state's congressional districts  
2 and may include:

3 (a) One member who is deaf or hearing impaired;

4 (b) Two members who are experienced educational professionals;

5 (c) One member who is experienced in providing residential services  
6 to youth; and

7 (d) One member who is the parent of a child who is deaf or hearing  
8 impaired and who is receiving or has received educational services  
9 related to deafness or hearing impairment from a public educational  
10 institution.

11 (2) No voting trustee may be an employee of the school, a member of  
12 the board of directors of any school district, a member of the  
13 governing board of any public or private educational institution, a  
14 school district or educational service district administrator appointed  
15 after July 1, 1986, or an elected officer or member of the legislative  
16 authority of any municipal corporation.

17 (3) Trustees shall be appointed by the governor to serve a term of  
18 five years, except that any person appointed to fill a vacancy  
19 occurring prior to the expiration of a term shall be appointed within  
20 sixty days of the vacancy and appointed only for the remainder of the  
21 term. Of the initial members, three must be appointed for two-year  
22 terms, three must be appointed for three-year terms, and the remainder  
23 must be appointed for five-year terms.

24 (4) The board shall not be deemed unlawfully constituted and a  
25 trustee shall not be deemed ineligible to serve the remainder of the  
26 trustee's unexpired term on the board solely by reason of the  
27 establishment of new or revised boundaries for congressional districts.  
28 In such an event, each trustee may continue to serve in office for the  
29 balance of the term for which he or she was appointed so long as the  
30 trustee continues to reside within the boundaries of the congressional  
31 district as they existed at the time of his or her appointment.  
32 Vacancies which occur in a trustee position during the balance of any  
33 term shall be filled pursuant to subsection (3) of this section by a  
34 successor who resides within the boundaries of the congressional  
35 district from which the member whose office was vacated was appointed  
36 as they existed at the time of his or her appointment. At the  
37 completion of such term, and thereafter, a successor shall be appointed

1 from the congressional district which corresponds in number with the  
2 congressional district from which the incumbent was appointed.

3 (5) Appointments made under this section are subject to the advice  
4 and consent of the senate.

5 **Sec. 43.** RCW 74.18.040 and 1983 c 194 s 4 are each amended to read  
6 as follows:

7 The executive head of the department shall be the director of the  
8 department of services for the blind. The director shall be appointed  
9 by the governor(~~(, with the consent of the senate,)~~) and hold office at  
10 the pleasure of the governor. The director's salary shall be fixed by  
11 the governor in accordance with the provisions of RCW 43.03.040.

12 Appointments made under this section are subject to the advice and  
13 consent of the senate.

14 **Sec. 44.** RCW 76.09.210 and 1979 ex.s. c 47 s 4 are each amended to  
15 read as follows:

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

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

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

34 (4) Any member may be removed for inefficiency, malfeasance or  
35 misfeasance in office, upon specific written charges filed by the  
36 governor, who shall transmit such written charges to the member accused

1 and to the chief justice of the supreme court. The chief justice shall  
2 thereupon designate a tribunal composed of three judges of the superior  
3 court to hear and adjudicate the charges. Such tribunal shall fix the  
4 time of the hearing, which shall be public, and the procedure for the  
5 hearing, and the decision of such tribunal shall be final and not  
6 subject to review by the supreme court. Removal of any member by the  
7 tribunal shall disqualify such member for reappointment.

8 (5) Each member of the appeals board:

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

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

16 (6) Appointments made under this section are subject to the advice  
17 and consent of the senate.

18 **Sec. 45.** RCW 77.04.030 and 2001 c 155 s 1 are each amended to read  
19 as follows:

20 The fish and wildlife commission consists of nine registered voters  
21 of the state. In January of each odd-numbered year, the governor shall  
22 appoint (~~(with the advice and consent of the senate)~~) three registered  
23 voters to the commission to serve for terms of six years from that  
24 January or until their successors are appointed and qualified. If a  
25 vacancy occurs on the commission prior to the expiration of a term, the  
26 governor shall appoint a registered voter within sixty days to complete  
27 the term. Three members shall be residents of that portion of the  
28 state lying east of the summit of the Cascade mountains, and three  
29 shall be residents of that portion of the state lying west of the  
30 summit of the Cascade mountains. Three additional members shall be  
31 appointed at-large. No two members may be residents of the same  
32 county. The legal office of the commission is at the administrative  
33 office of the department in Olympia.

34 Appointments made under this section are subject to the advice and  
35 consent of the senate.

1       **Sec. 46.** RCW 77.75.040 and 1995 1st sp.s. c 2 s 20 are each  
2 amended to read as follows:

3       A member selected by or a designee of the fish and wildlife  
4 commission, ex officio, and two appointees of the governor representing  
5 the fishing industry shall act as the representatives of this state on  
6 the Pacific Marine Fisheries Commission. (~~The appointees of the~~  
7 ~~governor are subject to confirmation by the state senate.~~)

8       Gubernatorial appointments made under this section are subject to  
9 the advice and consent of the senate.

10       **Sec. 47.** RCW 77.85.110 and 1999 sp.s. c 13 s 3 are each amended to  
11 read as follows:

12       (1) The salmon recovery funding board is created consisting of ten  
13 members.

14       (2) Five members of the board shall be voting members who are  
15 appointed by the governor(~~, subject to confirmation by the senate~~).  
16 One of these voting members shall be a cabinet-level appointment as the  
17 governor's representative to the board. Board members who represent  
18 the general public shall not have a financial or regulatory interest in  
19 salmon recovery. The governor shall appoint one of the general public  
20 members of the board as the chair. The voting members of the board  
21 shall be appointed for terms of four years, except that two members  
22 initially shall be appointed for terms of two years and three members  
23 shall initially be appointed for terms of three years. In making the  
24 appointments, the governor shall seek a board membership that  
25 collectively provide the expertise necessary to provide strong fiscal  
26 oversight of salmon recovery expenditures, and that provide extensive  
27 knowledge of local government processes and functions and an  
28 understanding of issues relevant to salmon recovery in Washington  
29 state. The governor shall appoint at least three of the voting members  
30 of the board no later than ninety days after July 1, 1999. Vacant  
31 positions on the board shall be filled in the same manner as the  
32 original appointments. The governor may remove members of the board  
33 for good cause.

34       In addition to the five voting members of the board, the following  
35 five state officials shall serve as ex officio nonvoting members of the  
36 board: The director of the department of fish and wildlife, the  
37 executive director of the conservation commission, the secretary of

1 transportation, the director of the department of ecology, and the  
2 commissioner of public lands. The state officials serving in an ex  
3 officio capacity may designate a representative of their respective  
4 agencies to serve on the board in their behalf. Such designations  
5 shall be made in writing and in such manner as is specified by the  
6 board.

7 (3) Staff support to the board shall be provided by the interagency  
8 committee for outdoor recreation. For administrative purposes, the  
9 board shall be located with the interagency committee for outdoor  
10 recreation.

11 (4) Members of the board who do not represent state agencies shall  
12 be compensated as provided by RCW 43.03.250. Members of the board  
13 shall be reimbursed for travel expenses as provided by RCW 43.03.050  
14 and 43.03.060.

15 (5) Gubernatorial appointments made under this section are subject  
16 to the advice and consent of the senate.

17 **Sec. 48.** RCW 79A.05.015 and 1999 c 249 s 201 are each amended to  
18 read as follows:

19 There is hereby created a "state parks and recreation commission"  
20 consisting of seven citizens of the state. The members of the  
21 commission shall be appointed by the governor (~~(by and with the advice~~  
22 ~~and consent of the senate)) and shall serve for a term of six years,~~  
23 expiring on December 31st of even-numbered years, and until their  
24 successors are appointed. In case of a vacancy, the governor shall  
25 fill the vacancy for the unexpired term of the commissioner whose  
26 office has become vacant.

27 In making the appointments to the commission, the governor shall  
28 choose citizens who understand park and recreation needs and interests.  
29 No person shall serve if he or she holds any elective or full-time  
30 appointive state, county, or municipal office. Members of the  
31 commission shall be compensated in accordance with RCW 43.03.240 and in  
32 addition shall be allowed their travel expenses incurred while absent  
33 from their usual places of residence in accordance with RCW 43.03.050  
34 and 43.03.060.

35 Payment of expenses pertaining to the operation of the commission  
36 shall be made upon vouchers certified to by such persons as shall be  
37 designated by the commission.



1 Appointments made under this section are subject to the advice and  
2 consent of the senate.

3 **Sec. 49.** RCW 82.03.020 and 1967 ex.s. c 26 s 31 are each amended  
4 to read as follows:

5 The board of tax appeals, hereinafter in chapter 26, Laws of 1967  
6 ex. sess. referred to as the board, shall consist of three members  
7 qualified by experience and training in the field of state and local  
8 taxation, (~~appointed by the governor with the advice and consent of~~  
9 ~~the senate,~~) and no more than two of whom at the time of appointment  
10 or during their terms shall be members of the same political party.

11 Appointments made under this section are subject to the advice and  
12 consent of the senate.

13 **Sec. 50.** RCW 88.16.010 and 2003 c 58 s 1 are each amended to read  
14 as follows:

15 (1) The board of pilotage commissioners of the state of Washington  
16 is hereby created and shall consist of the assistant secretary of  
17 marine transportation of the department of transportation of the state  
18 of Washington, or the assistant secretary's designee who shall be an  
19 employee of the marine division, who shall be chairperson, the director  
20 of the department of ecology, or the director's designee, and seven  
21 members appointed by the governor (~~and confirmed by the senate~~).  
22 Each of the appointed commissioners shall be appointed for a term of  
23 four years from the date of the member's commission. No person shall  
24 be eligible for appointment to the board unless that person is at the  
25 time of appointment eighteen years of age or over and a citizen of the  
26 United States and of the state of Washington. Two of the appointed  
27 commissioners shall be pilots licensed under this chapter and actively  
28 engaged in piloting upon the waters covered by this chapter for at  
29 least three years immediately preceding the time of appointment and  
30 while serving on the board. One pilot shall be from the Puget Sound  
31 pilotage district and the other pilot shall be from either the Grays  
32 Harbor pilotage district or the Puget Sound pilotage district. Two of  
33 the appointed commissioners shall be actively engaged in the ownership,  
34 operation, or management of deep sea cargo and/or passenger carrying  
35 vessels for at least three years immediately preceding the time of  
36 appointment and while serving on the board. One of the shipping

1 commissioners shall be a representative of American and one of foreign  
2 shipping. One of the commissioners shall be a representative from a  
3 recognized environmental organization concerned with marine waters.  
4 The remaining commissioners shall be persons interested in and  
5 concerned with pilotage, maritime safety, and marine affairs, with  
6 broad experience related to the maritime industry exclusive of  
7 experience as either a state licensed pilot or as a shipping  
8 representative.

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

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

16 (4) Gubernatorial appointments made under this section are subject  
17 to the advice and consent of the senate.

18 **Sec. 51.** RCW 9.95.003 and 1997 c 350 s 2 are each amended to read  
19 as follows:

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

33 The members of the board and its officers and employees shall not  
34 engage in any other business or profession or hold any other public  
35 office without the prior approval of the executive ethics board  
36 indicating compliance with RCW 42.52.020, 42.52.030, 42.52.040 and  
37 42.52.120; nor shall they, at the time of appointment or employment or

1 during their incumbency, serve as the representative of any political  
2 party on an executive committee or other governing body thereof, or as  
3 an executive officer or employee of any political committee or  
4 association. The members of the board shall each severally receive  
5 salaries fixed by the governor in accordance with the provisions of RCW  
6 43.03.040, and in addition shall receive travel expenses incurred in  
7 the discharge of their official duties in accordance with RCW 43.03.050  
8 and 43.03.060.

9 The board may employ, and fix, with the approval of the governor,  
10 the compensation of and prescribe the duties of a secretary and such  
11 officers, employees, and assistants as may be necessary, and provide  
12 necessary quarters, supplies, and equipment.

13 Appointments made under this section are subject to the advice and  
14 consent of the senate.

15 **Sec. 52.** RCW 28B.50.050 and 1991 c 238 s 30 are each amended to  
16 read as follows:

17 There is hereby created the "state board for community and  
18 technical colleges", to consist of nine members who represent the  
19 geographic diversity of the state, and who shall be appointed by the  
20 governor(~~(, with the consent of the senate)~~). At least two members  
21 shall reside east of the Cascade mountains. In making these  
22 appointments, the governor shall attempt to provide geographic balance  
23 and give consideration to representing labor, business, women, and  
24 racial and ethnic minorities, among the membership of the board. At  
25 least one member of the board shall be from business and at least one  
26 member of the board shall be from labor. The current members of the  
27 state board for community college education on September 1, 1991, shall  
28 serve on the state board for community and technical colleges until  
29 their terms expire. Successors to these members shall be appointed  
30 according to the terms of this section. A ninth member shall be  
31 appointed by September 1, 1991, for a complete term.

32 The successors of the members initially appointed shall be  
33 appointed for terms of four years except that a person appointed to  
34 fill a vacancy occurring prior to the expiration of any term shall be  
35 appointed only for the remainder of such term. Each member shall serve  
36 until the appointment and qualification of his or her successor. All  
37 members shall be citizens and bona fide residents of the state.

1 Members of the college board shall be compensated in accordance  
2 with RCW 43.03.240 and shall receive reimbursement for travel expenses  
3 in accordance with RCW 43.03.050 and 43.03.060 for each day actually  
4 spent in attending to the duties as a member of the college board.

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

8 Appointments made under this section are subject to the advice and  
9 consent of the senate.

10 **Sec. 53.** RCW 28B.50.100 and 1991 c 238 s 37 are each amended to  
11 read as follows:

12 There is hereby created a board of trustees for each college  
13 district as set forth in this chapter. Each board of trustees shall be  
14 composed of five trustees, who shall be appointed by the governor for  
15 terms commencing October 1st of the year in which appointed. In making  
16 such appointments the governor shall give consideration to geographical  
17 diversity, and representing labor, business, women, and racial and  
18 ethnic minorities, in the membership of the boards of trustees. The  
19 boards of trustees for districts containing technical colleges shall  
20 include at least one member from business and one member from labor.

21 The successors of the trustees initially appointed shall be  
22 appointed by the governor to serve for a term of five years except that  
23 any person appointed to fill a vacancy occurring prior to the  
24 expiration of any term shall be appointed only for the remainder of the  
25 term. Each member shall serve until a successor is appointed and  
26 qualified.

27 Every trustee shall be a resident and qualified elector of the  
28 college district. No trustee may be an employee of the community and  
29 technical college system, a member of the board of directors of any  
30 school district, or a member of the governing board of any public or  
31 private educational institution.

32 Each board of trustees shall organize itself by electing a chairman  
33 from its members. The board shall adopt a seal and may adopt such  
34 bylaws, rules and regulations as it deems necessary for its own  
35 government. Three members of the board shall constitute a quorum, but  
36 a lesser number may adjourn from time to time and may compel the  
37 attendance of absent members in such manner as prescribed in its

1 bylaws, rules, or regulations. The district president, or if there be  
2 none, the president of the college, shall serve as, or may designate  
3 another person to serve as, the secretary of the board, who shall not  
4 be deemed to be a member of the board.

5 Members of the boards of trustees may be removed for misconduct or  
6 malfeasance in office in the manner provided by RCW 28B.10.500.

7 Appointments made under this section are subject to the advice and  
8 consent of the senate.

9 **Sec. 54.** RCW 43.33A.020 and 2002 c 303 s 1 are each amended to  
10 read as follows:

11 There is hereby created the state investment board to consist of  
12 fifteen members to be appointed as provided in this section.

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

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

25 (3) One member who is an active member of the teachers' retirement  
26 system and has been an active member for at least five years. This  
27 member shall be appointed by the superintendent of public instruction  
28 (~~subject to confirmation by the senate~~). The initial term of  
29 appointment shall be three years.

30 (4) The state treasurer or the assistant state treasurer if  
31 designated by the state treasurer.

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

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

36 (7) One member who is a retired member of a state retirement system

1 shall be appointed by the governor(~~(, subject to confirmation by the~~  
2 ~~senate)~~). The initial term of appointment shall be three years.

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

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

5 (10) One member who is an active member of the school employees'  
6 retirement system and has at least five years of service credit. This  
7 member shall be appointed by the superintendent of public instruction  
8 (~~(subject to confirmation by the senate)~~). The initial term of  
9 appointment shall be three years.

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

13 The legislative members shall serve terms of two years. The  
14 initial legislative members appointed to the board shall be appointed  
15 no sooner than January 10, 1983. The position of a legislative member  
16 on the board shall become vacant at the end of that member's term on  
17 the board or whenever the member ceases to be a member of the senate or  
18 house of representatives from which the member was appointed.

19 After the initial term of appointment, all other members of the  
20 state investment board, except ex officio members, shall serve terms of  
21 three years and shall hold office until successors are appointed.  
22 Members' terms, except for ex officio members, shall commence on  
23 January 1 of the year in which the appointments are made.

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

28 (12) Gubernatorial appointments made under this section are subject  
29 to the advice and consent of the senate.

30 **Sec. 55.** RCW 43.52.374 and 1983 1st ex.s. c 3 s 3 are each amended  
31 to read as follows:

32 (1) With the exception of the powers and duties of the board of  
33 directors described in RCW 43.52.370(2), the management and control of  
34 an operating agency constructing, operating, terminating, or  
35 decommissioning a nuclear power plant under a site certification  
36 agreement under chapter 80.50 RCW is vested in an executive board  
37 established under this subsection and consisting of eleven members.

1 (a) Five members of the executive board shall be elected to four-  
2 year terms by the board of directors from among the members of the  
3 board of directors. The board of directors may provide by rule for the  
4 composition of the five members of the executive board elected from  
5 among the members of the board of directors so as to reflect the member  
6 public utility districts' and cities' participation in the joint  
7 operating agency's projects. Members elected to the executive board  
8 from the board of directors are ineligible for continued membership on  
9 the executive board if they cease to be members of the board of  
10 directors. The board of directors may also provide by rule for the  
11 removal of a member of the executive board, except for the outside  
12 directors. Members of the board of directors may be elected to serve  
13 successive terms on the executive board. Members elected to the  
14 executive board from the board of directors shall receive a salary from  
15 the operating agency at a rate set by the board of directors.

16 (b) Six members of the executive board shall be outside directors.  
17 Three shall be selected and appointed by the board of directors((7))  
18 and three shall be selected and appointed by the governor ((~~and~~  
19 ~~confirmed by the senate~~)). All outside directors shall:

20 (i) Serve four-year terms on the executive board. However, of the  
21 initial members of the executive board, the board of directors and the  
22 governor shall each appoint one outside director to serve a two-year  
23 term, one outside director to serve a three-year term, and one outside  
24 director to serve a four-year term. Thereafter, all outside directors  
25 shall be appointed for four-year terms. All outside directors are  
26 eligible for reappointment;

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

30 (iii) Not be an officer or employee of, or in any way affiliated  
31 with, the Bonneville power administration or any electric utility  
32 conducting business in the states of Washington, Oregon, Idaho, or  
33 Montana;

34 (iv) Not be involved in the financial affairs of the operating  
35 agency as an underwriter or financial adviser of the operating agency  
36 or any of its members or any of the participants in any of the  
37 operating agency's plants; and

1 (v) Be representative of policy makers in business, finance, or  
2 science, or have expertise in the construction or management of such  
3 facilities as the operating agency is constructing or operating, or  
4 have expertise in the termination, disposition, or liquidation of  
5 corporate assets.

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

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

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

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

30 (5) With respect to any operating agency existing on April 20,  
31 1982, to which the provisions of this section are applicable:

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

34 (b) The board of directors and the governor shall select and  
35 appoint the initial outside directors and the executive board shall  
36 hold its organizational meeting no later than sixty days after April  
37 20, 1982, and the powers and duties prescribed in this chapter shall  
38 devolve upon the executive board at that time.



1 (6) The executive board shall select and employ a managing director  
2 of the operating agency and may delegate to the managing director such  
3 authority for the management and control of the operating agency as the  
4 executive board deems appropriate. The managing director's employment  
5 is terminable at the will of the executive board.

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

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

21 In addition members of the executive board who are utility  
22 employees shall not be fired, forced to resign, or demoted from their  
23 utility jobs for decisions they make while carrying out their duties as  
24 members of the executive board involving the exercise of judgment and  
25 discretion.

26 (8) Gubernatorial appointments made under this section are subject  
27 to the advice and consent of the senate.

28 **Sec. 56.** RCW 43.52A.030 and 1984 c 34 s 8 are each amended to read  
29 as follows:

30 The governor(~~(, with the consent of the senate,)~~) shall appoint two  
31 residents of Washington state to the council pursuant to the act.  
32 These persons shall undertake the functions and duties of members of  
33 the council as specified in the act and in appropriate state law.  
34 (~~Upon appointment by the governor to the council, the nominee shall~~  
35 ~~make available to the senate such disclosure information as is~~  
36 ~~requested for the confirmation process, including that required in RCW~~

1 ~~42.17.241.~~) Appointments made under this section are subject to the  
2 advice and consent of the senate.

3 **Sec. 57.** RCW 43.105.800 and 1999 c 285 s 2 are each amended to  
4 read as follows:

5 The K-20 educational network board is created. The purpose of the  
6 K-20 board is to ensure that the K-20 educational telecommunications  
7 network is operated in a way that serves the broad public interest  
8 above the interest of any network user.

9 (1) The K-20 board shall comprise eleven voting and seven nonvoting  
10 members as follows:

11 (a) Voting members shall include: A person designated by the  
12 governor; one member of each caucus of the senate, appointed by the  
13 president of the senate; one member of each caucus of the house of  
14 representatives, appointed by the speaker of the house of  
15 representatives; the superintendent of public instruction or his or her  
16 designee; the executive director of the higher education coordinating  
17 board or his or her designee; the executive director of the state board  
18 for community and technical colleges or his or her designee; the chair  
19 of the information services board, or his or her designee; the director  
20 of the department of information services or his or her designee; and  
21 one citizen member.

22 The citizen member shall be appointed to a four-year term by the  
23 governor (~~with the consent of the senate~~). The governor shall  
24 appoint the citizen member of the K-20 board by July 30, 1999.  
25 Appointments made under this section are subject to the advice and  
26 consent of the senate.

27 (b) Nonvoting members shall include one community or technical  
28 college president, appointed by the state board for technical and  
29 community colleges; one president of a public baccalaureate  
30 institution, appointed by the council of presidents; the state  
31 librarian; one educational service district superintendent, one school  
32 district superintendent, and one representative of an approved private  
33 school, appointed by the superintendent of public instruction; and one  
34 representative of independent baccalaureate institutions, appointed by  
35 the Washington association of independent colleges and universities.

36 (2) The director of the department of information services or his  
37 or her designee shall serve as chair of the K-20 board. The department

1 of information services shall provide staffing to the K-20 board. A  
2 majority of the voting members of the K-20 board shall constitute a  
3 quorum for the transaction of business.

4 (3) The citizen member of the K-20 board shall be compensated in  
5 accordance with RCW 43.03.250.

6 **Sec. 58.** RCW 49.04.010 and 2001 c 204 s 1 are each amended to read  
7 as follows:

8 The director of labor and industries shall appoint an  
9 apprenticeship council, composed of three representatives each from  
10 employer and employee organizations, respectively. The terms of office  
11 of the members of the apprenticeship council first appointed by the  
12 director of labor and industries shall be as follows: One  
13 representative each of employers and employees shall be appointed for  
14 one year, two years, and three years, respectively. Thereafter, each  
15 member shall be appointed for a term of three years. The governor  
16 shall appoint a public member to the apprenticeship council for a  
17 three-year term. The appointment of the public member is subject to  
18 (~~confirmation by~~) the advice and consent of the senate. Each member  
19 shall hold office until a successor is appointed and has qualified and  
20 any vacancy shall be filled by appointment for the unexpired portion of  
21 the term. A designated representative from each of the following: The  
22 work force training and education coordinating board, state board for  
23 community and technical colleges, employment security department, and  
24 United States department of labor, apprenticeship, training, employer,  
25 and labor services, shall be ex officio members of the apprenticeship  
26 council. Ex officio members shall have no vote. Each member of the  
27 council, not otherwise compensated by public moneys, shall be  
28 reimbursed for travel expenses in accordance with RCW 43.03.050 and  
29 43.03.060 and shall be compensated in accordance with RCW 43.03.240.  
30 The apprenticeship council is authorized to approve apprenticeship  
31 programs, and establish apprenticeship program standards as rules,  
32 including requirements for apprentice-related and supplemental  
33 instruction, coordination of instruction with job experiences, and  
34 instructor qualifications. The council shall consider recommendations  
35 from the state board for community and technical colleges on matters of  
36 apprentice-related and supplemental instruction, coordination of  
37 instruction with job experiences, and instructor qualifications. The

1 rules for apprenticeship instructor qualifications shall either be by  
2 reference or reasonably similar to the applicable requirements  
3 established by or pursuant to chapter 28B.50 RCW. The council is  
4 further authorized to issue such rules as may be necessary to carry out  
5 the intent and purposes of this chapter, including a procedure to  
6 resolve an impasse should a tie vote of the council occur, and perform  
7 such other duties as are hereinafter imposed.

8 Not less than once a year the apprenticeship council shall make a  
9 report to the director of labor and industries of its activities and  
10 findings which shall be available to the public.

11 **Sec. 59.** RCW 80.01.010 and 2006 c 346 s 1 are each amended to read  
12 as follows:

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

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

19 Each commissioner shall be appointed and hold office for the term  
20 of six years. The governor shall designate one of the commissioners to  
21 be chair of the commission during the term of the governor.

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

24 Any member of the commission may be removed for inefficiency,  
25 malfeasance or misfeasance in office, upon specific written charges  
26 filed by the governor, who shall transmit such written charges to the  
27 member accused and to the chief justice of the supreme court. The  
28 chief justice shall thereupon designate a special tribunal composed of  
29 three judges of the superior court to hear and adjudicate the charges.  
30 Such tribunal shall fix the time, place and procedure for the hearing,  
31 and the hearing shall be public. The decision of such tribunal shall  
32 be final and not subject to review.

33 If the tribunal specified herein finds the charges of the governor  
34 to be true, the governor shall have the right to immediately remove the  
35 commissioner from office, to declare the position of the commissioner  
36 vacant, and appoint another commissioner to the position in accordance  
37 with the provisions of the law.

1       Any vacancy arising in the office of commissioner shall be filled  
2 by appointment by the governor, and, except for persons appointed as  
3 pro tempore commissioners, an appointee selected to fill a vacancy  
4 shall hold office for the balance of the full term for which his or her  
5 predecessor on the commission was appointed.

6       If a vacancy occurs while the senate is not in session, the  
7 governor shall make a temporary appointment until the next meeting of  
8 the senate, when he or she shall present to the senate his or her  
9 nomination or nominations for the office to be filled.

10       Appointments made under this section are subject to the advice and  
11 consent of the senate.

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