

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5995

Chapter 560, Laws of 2009

61st Legislature
2009 Regular Session

BOARDS, COMMITTEES, AND COMMISSIONS--ELIMINATION

EFFECTIVE DATE: 06/30/09

Passed by the Senate April 26, 2009
YEAS 46 NAYS 2

BRAD OWEN

President of the Senate

Passed by the House April 26, 2009
YEAS 95 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 19, 2009, 11:00 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5995** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 20, 2009

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5995

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

State of Washington **61st Legislature** **2009 Regular Session**

By Senators Pridemore, Schoesler, and Honeyford; by request of Governor Gregoire

Read first time 02/12/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to eliminating certain boards, committees, and
2 commissions and the transfer of certain duties effective June 30, 2009;
3 amending RCW 18.06.080, 70.128.163, 70.149.040, 79A.75.900, 70.14.060,
4 4.92.130, 18.84.040, 18.84.070, 28B.116.020, 28B.12.040, 43.43.866,
5 43.10.240, and 43.15.020; reenacting and amending RCW 70.105D.030;
6 creating new sections; repealing RCW 72.09.800, 28B.04.085, 70.128.225,
7 18.20.260, 4.92.230, 21.20.550, 21.20.560, 21.20.570, 21.20.580,
8 21.20.590, 28B.116.040, 18.155.050, 74.32.100, 74.32.110, 74.32.120,
9 74.32.130, 74.32.140, 74.32.150, 74.32.160, 74.32.170, 74.32.180,
10 43.43.858, 43.43.860, 43.43.862, 43.43.864, 10.29.030, 10.29.040,
11 10.29.080, and 10.29.090; repealing 2008 c 311 s 1 (uncodified);
12 repealing 2008 c 311 s 2 (uncodified); repealing 2008 c 311 s 3
13 (uncodified); repealing 2008 c 311 s 4 (uncodified); repealing 1997 c
14 406 s 1 (uncodified); providing an effective date; providing an
15 expiration date; and declaring an emergency.

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

17 NEW SECTION. **Sec. 1.** Intent. One of the key roles of advisory
18 boards, committees, and commissions is to provide input, advice and
19 recommendations from stakeholders, other interested parties, and the

1 public to state agencies. Some advisory boards, committees, and
2 commissions may be abolished without detriment to the mission of the
3 agency each supports. Most of the advisory functions of some boards,
4 committees, and commissions can be performed without the administrative
5 costs of maintaining formal organizations. In the interest of building
6 a leaner, more efficient, and more responsible government, this vital
7 communications conduit must be maintained for the benefit of the state
8 and its citizens, through the use of modern communication technology.
9 It is the intent of the legislature this interim to identify criteria
10 to evaluate those advisory boards, committees, and commissions that may
11 be eliminated or consolidated, and for agencies to identify new, less
12 costly, and more effective opportunities to ensure a broad range of
13 citizen participation is provided and that all reasonable efforts are
14 made to ensure that channels are maintained for vital input from the
15 citizens of Washington.

16 **Acupuncture Ad Hoc Committee**

17 **Sec. 2.** RCW 18.06.080 and 1995 c 323 s 7 are each amended to read
18 as follows:

19 (1) The secretary is hereby authorized and empowered to execute the
20 provisions of this chapter and shall offer examinations in acupuncture
21 at least twice a year at such times and places as the secretary may
22 select. The examination shall be a written examination and may include
23 a practical examination.

24 (2) The secretary shall develop or approve a licensure examination
25 in the subjects that the secretary determines are within the scope of
26 and commensurate with the work performed by licensed acupuncturists and
27 shall include but not necessarily be limited to anatomy, physiology,
28 microbiology, biochemistry, pathology, hygiene, and acupuncture. All
29 application papers shall be deposited with the secretary and there
30 retained for at least one year, when they may be destroyed.

31 (3) If the examination is successfully passed, the secretary shall
32 confer on such candidate the title of Licensed Acupuncturist.

33 ~~(4) ((The secretary may appoint members of the profession to serve~~
34 ~~in an ad hoc advisory capacity to the secretary in carrying out this~~
35 ~~chapter. The members will serve for designated times and provide~~
36 ~~advice on matters specifically identified and requested by the~~

1 ~~secretary. The members shall be compensated in accordance with RCW~~
2 ~~43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and~~
3 ~~43.03.060.~~

4 (5)) The secretary, ad hoc committee members, or individuals
5 acting in their behalf are immune from suit in a civil action based on
6 any certification or disciplinary proceedings or other official acts
7 performed in the course of their duties.

8 **Character-Building Residential Services**
9 **in Prisons, Oversight Committee**

10 NEW SECTION. **Sec. 3.** RCW 72.09.800 (Comprehensive plan for
11 character-building residential services in prisons--Establishment of
12 oversight committee) and 2008 c 104 s 2 are each repealed.

13 **Displaced Homemaker Program Statewide Advisory Committee**

14 NEW SECTION. **Sec. 4.** RCW 28B.04.085 (Displaced homemaker program
15 advisory committee) and 2004 c 275 s 32 & 1987 c 230 s 2 are each
16 repealed.

17 **Adult Family Home Advisory Committee**

18 NEW SECTION. **Sec. 5.** RCW 70.128.225 (Advisory committee) and 2007
19 c 40 s 1 & 2002 c 223 s 4 are each repealed.

20 **Sec. 6.** RCW 70.128.163 and 2001 c 193 s 6 are each amended to read
21 as follows:

22 (1) When the department has summarily suspended a license, the
23 licensee may, subject to the department's approval, elect to
24 participate in a temporary management program. All provisions of this
25 section shall apply.

26 The purposes of a temporary management program are as follows:

27 (a) To mitigate dislocation and transfer trauma of residents while
28 the department and licensee may pursue dispute resolution or appeal of
29 a summary suspension of license;

30 (b) To facilitate the continuity of safe and appropriate resident
31 care and services;

1 (c) To preserve a residential option that meets a specialized
2 service need and/or is in a geographical area that has a lack of
3 available providers; and

4 (d) To provide residents with the opportunity for orderly
5 discharge.

6 (2) Licensee participation in the temporary management program is
7 voluntary. The department shall have the discretion to approve any
8 temporary manager and the temporary management arrangements. The
9 temporary management shall assume the total responsibility for the
10 daily operations of the home.

11 (3) The temporary management shall contract with the licensee as an
12 independent contractor and is responsible for ensuring that all minimum
13 licensing requirements are met. The temporary management shall protect
14 the health, safety, and well-being of the residents for the duration of
15 the temporary management and shall perform all acts reasonably
16 necessary to ensure that residents' needs are met. The licensee is
17 responsible for all costs related to administering the temporary
18 management program and contracting with the temporary management. The
19 temporary management agreement shall at a minimum address the
20 following:

21 (a) Provision of liability insurance to protect residents and their
22 property;

23 (b) Preservation of resident trust funds;

24 (c) The timely payment of past due or current accounts, operating
25 expenses, including but not limited to staff compensation, and all debt
26 that comes due during the period of the temporary management;

27 (d) The responsibilities for addressing all other financial
28 obligations that would interfere with the ability of the temporary
29 manager to provide adequate care and services to residents; and

30 (e) The authority of the temporary manager to manage the home,
31 including the hiring, managing, and firing of employees for good cause,
32 and to provide adequate care and services to residents.

33 (4) The licensee and department shall provide written notification
34 immediately to all residents, legal representatives, interested family
35 members, and the state long-term care ombudsman program, of the
36 temporary management and the reasons for it. This notification shall
37 include notice that residents may move from the home without notifying

1 the licensee in advance, and without incurring any charges, fees, or
2 costs otherwise available for insufficient advance notice, during the
3 temporary management period.

4 (5) The temporary management period under this section concludes
5 twenty-eight days after issuance of the formal notification of
6 enforcement action or conclusion of administrative proceedings,
7 whichever date is later. Nothing in this section precludes the
8 department from revoking its approval of the temporary management
9 and/or exercising its licensing enforcement authority under this
10 chapter. The department's decision whether to approve or to revoke a
11 temporary management arrangement is not subject to the administrative
12 procedure act, chapter 34.05 RCW.

13 (6) The department is authorized to adopt rules implementing this
14 section. In implementing this section, the department shall consult
15 with consumers, advocates, (~~(the adult family home advisory committee~~
16 ~~established under chapter 18.48 RCW,~~) and organizations representing
17 adult family homes. The department may recruit and approve qualified,
18 licensed providers interested in serving as temporary managers.

19 **Boarding Home Advisory Board**

20 NEW SECTION. **Sec. 7.** RCW 18.20.260 (Advisory board) and 2000 c 47
21 s 8 are each repealed.

22 **Citizens' Work Group on Health Care Reform**

23 NEW SECTION. **Sec. 8.** The following acts or parts of acts are each
24 repealed:

- 25 2008 c 311 s 1 (uncodified);
- 26 2008 c 311 s 2 (uncodified);
- 27 2008 c 311 s 3 (uncodified); and
- 28 2008 c 311 s 4 (uncodified).

29 **Model Toxic Control Act Science Advisory Board**

30 NEW SECTION. **Sec. 9.** 1997 c 406 s 1 (uncodified) is repealed.

1 **Sec. 10.** RCW 70.105D.030 and 2007 c 446 s 1, 2007 c 225 s 1, and
2 2007 c 104 s 19 are each reenacted and amended to read as follows:

3 (1) The department may exercise the following powers in addition to
4 any other powers granted by law:

5 (a) Investigate, provide for investigating, or require potentially
6 liable persons to investigate any releases or threatened releases of
7 hazardous substances, including but not limited to inspecting,
8 sampling, or testing to determine the nature or extent of any release
9 or threatened release. If there is a reasonable basis to believe that
10 a release or threatened release of a hazardous substance may exist, the
11 department's authorized employees, agents, or contractors may enter
12 upon any property and conduct investigations. The department shall
13 give reasonable notice before entering property unless an emergency
14 prevents such notice. The department may by subpoena require the
15 attendance or testimony of witnesses and the production of documents or
16 other information that the department deems necessary;

17 (b) Conduct, provide for conducting, or require potentially liable
18 persons to conduct remedial actions (including investigations under (a)
19 of this subsection) to remedy releases or threatened releases of
20 hazardous substances. In carrying out such powers, the department's
21 authorized employees, agents, or contractors may enter upon property.
22 The department shall give reasonable notice before entering property
23 unless an emergency prevents such notice. In conducting, providing
24 for, or requiring remedial action, the department shall give preference
25 to permanent solutions to the maximum extent practicable and shall
26 provide for or require adequate monitoring to ensure the effectiveness
27 of the remedial action;

28 (c) Indemnify contractors retained by the department for carrying
29 out investigations and remedial actions, but not for any contractor's
30 reckless or willful misconduct;

31 (d) Carry out all state programs authorized under the federal
32 cleanup law and the federal resource, conservation, and recovery act,
33 42 U.S.C. Sec. 6901 et seq., as amended;

34 (e) Classify substances as hazardous substances for purposes of RCW
35 70.105D.020 and classify substances and products as hazardous
36 substances for purposes of RCW 82.21.020(1);

37 (f) Issue orders or enter into consent decrees or agreed orders
38 that include, or issue written opinions under (i) of this subsection

1 that may be conditioned upon, environmental covenants where necessary
2 to protect human health and the environment from a release or
3 threatened release of a hazardous substance from a facility. Prior to
4 establishing an environmental covenant under this subsection, the
5 department shall consult with and seek comment from a city or county
6 department with land use planning authority for real property subject
7 to the environmental covenant;

8 (g) Enforce the application of permanent and effective
9 institutional controls that are necessary for a remedial action to be
10 protective of human health and the environment and the notification
11 requirements established in RCW 70.105D.110, and impose penalties for
12 violations of that section consistent with RCW 70.105D.050;

13 (h) Require holders to conduct remedial actions necessary to abate
14 an imminent or substantial endangerment pursuant to RCW
15 70.105D.020(17)(b)(ii)(C);

16 (i) Provide informal advice and assistance to persons regarding the
17 administrative and technical requirements of this chapter. This may
18 include site-specific advice to persons who are conducting or otherwise
19 interested in independent remedial actions. Any such advice or
20 assistance shall be advisory only, and shall not be binding on the
21 department. As a part of providing this advice and assistance for
22 independent remedial actions, the department may prepare written
23 opinions regarding whether the independent remedial actions or
24 proposals for those actions meet the substantive requirements of this
25 chapter or whether the department believes further remedial action is
26 necessary at the facility. Nothing in this chapter may be construed to
27 preclude the department from issuing a written opinion on whether
28 further remedial action is necessary at any portion of the real
29 property located within a facility, even if further remedial action is
30 still necessary elsewhere at the same facility. Such a written opinion
31 on a portion of a facility must also provide an opinion on the status
32 of the facility as a whole. The department may collect, from persons
33 requesting advice and assistance, the costs incurred by the department
34 in providing such advice and assistance; however, the department shall,
35 where appropriate, waive collection of costs in order to provide an
36 appropriate level of technical assistance in support of public
37 participation. The state, the department, and officers and employees

1 of the state are immune from all liability, and no cause of action of
2 any nature may arise from any act or omission in providing, or failing
3 to provide, informal advice and assistance; and

4 (j) Take any other actions necessary to carry out the provisions of
5 this chapter, including the power to adopt rules under chapter 34.05
6 RCW.

7 (2) The department shall immediately implement all provisions of
8 this chapter to the maximum extent practicable, including investigative
9 and remedial actions where appropriate. The department shall adopt,
10 and thereafter enforce, rules under chapter 34.05 RCW to:

11 (a) Provide for public participation, including at least (i) public
12 notice of the development of investigative plans or remedial plans for
13 releases or threatened releases and (ii) concurrent public notice of
14 all compliance orders, agreed orders, enforcement orders, or notices of
15 violation;

16 (b) Establish a hazard ranking system for hazardous waste sites;

17 (c) Provide for requiring the reporting by an owner or operator of
18 releases of hazardous substances to the environment that may be a
19 threat to human health or the environment within ninety days of
20 discovery, including such exemptions from reporting as the department
21 deems appropriate, however this requirement shall not modify any
22 existing requirements provided for under other laws;

23 (d) Establish reasonable deadlines not to exceed ninety days for
24 initiating an investigation of a hazardous waste site after the
25 department receives notice or otherwise receives information that the
26 site may pose a threat to human health or the environment and other
27 reasonable deadlines for remedying releases or threatened releases at
28 the site;

29 (e) Publish and periodically update minimum cleanup standards for
30 remedial actions at least as stringent as the cleanup standards under
31 section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at
32 least as stringent as all applicable state and federal laws, including
33 health-based standards under state and federal law; and

34 (f) Apply industrial clean-up standards at industrial properties.
35 Rules adopted under this subsection shall ensure that industrial
36 properties cleaned up to industrial standards cannot be converted to
37 nonindustrial uses without approval from the department. The
38 department may require that a property cleaned up to industrial

1 standards is cleaned up to a more stringent applicable standard as a
2 condition of conversion to a nonindustrial use. Industrial clean-up
3 standards may not be applied to industrial properties where hazardous
4 substances remaining at the property after remedial action pose a
5 threat to human health or the environment in adjacent nonindustrial
6 areas.

7 (3) To achieve and protect the state's long-term ecological health,
8 the department shall prioritize sufficient funding to clean up
9 hazardous waste sites and prevent the creation of future hazards due to
10 improper disposal of toxic wastes, and create financing tools to clean
11 up large-scale hazardous waste sites requiring multiyear commitments.
12 To effectively monitor toxic accounts expenditures, the department
13 shall develop a comprehensive ten-year financing report that identifies
14 long-term remedial action project costs, tracks expenses, and projects
15 future needs.

16 (4) Before December 20th of each even-numbered year, the department
17 shall:

18 (a) Develop a comprehensive ten-year financing report in
19 coordination with all local governments with clean-up responsibilities
20 that identifies the projected biennial hazardous waste site remedial
21 action needs that are eligible for funding from the local toxics
22 control account;

23 (b) Work with local governments to develop working capital reserves
24 to be incorporated in the ten-year financing report;

25 (c) Identify the projected remedial action needs for orphaned,
26 abandoned, and other clean-up sites that are eligible for funding from
27 the state toxics control account;

28 (d) Project the remedial action need, cost, revenue, and any
29 recommended working capital reserve estimate to the next biennium's
30 long-term remedial action needs from both the local toxics control
31 account and the state toxics control account, and submit this
32 information to the appropriate standing fiscal and environmental
33 committees of the senate and house of representatives. This submittal
34 must also include a ranked list of such remedial action projects for
35 both accounts; and

36 (e) Provide the legislature and the public each year with an
37 accounting of the department's activities supported by appropriations
38 from the state and local toxics control accounts, including a list of

1 known hazardous waste sites and their hazard rankings, actions taken
2 and planned at each site, how the department is meeting its waste
3 management priorities under RCW 70.105.150, and all funds expended
4 under this chapter.

5 ~~(5) ((The department shall establish a scientific advisory board to
6 render advice to the department with respect to the hazard ranking
7 system, cleanup standards, remedial actions, deadlines for remedial
8 actions, monitoring, the classification of substances as hazardous
9 substances for purposes of RCW 70.105D.020 and the classification of
10 substances or products as hazardous substances for purposes of RCW
11 82.21.020(1). The board shall consist of five independent members to
12 serve staggered three year terms. No members may be employees of the
13 department. Members shall be reimbursed for travel expenses as
14 provided in RCW 43.03.050 and 43.03.060.~~

15 ~~(6))~~ The department shall establish a program to identify
16 potential hazardous waste sites and to encourage persons to provide
17 information about hazardous waste sites.

18 ~~((7))~~ (6) For all facilities where an environmental covenant has
19 been required under subsection (1)(f) of this section, including all
20 facilities where the department has required an environmental covenant
21 under an order, agreed order, or consent decree, or as a condition of
22 a written opinion issued under the authority of subsection (1)(i) of
23 this section, the department shall periodically review the
24 environmental covenant for effectiveness. Except as otherwise provided
25 in (c) of this subsection, the department shall conduct a review at
26 least once every five years after an environmental covenant is
27 recorded.

28 (a) The review shall consist of, at a minimum:

29 (i) A review of the title of the real property subject to the
30 environmental covenant to determine whether the environmental covenant
31 was properly recorded and, if applicable, amended or terminated;

32 (ii) A physical inspection of the real property subject to the
33 environmental covenant to determine compliance with the environmental
34 covenant, including whether any development or redevelopment of the
35 real property has violated the terms of the environmental covenant; and

36 (iii) A review of the effectiveness of the environmental covenant
37 in limiting or prohibiting activities that may interfere with the

1 integrity of the remedial action or that may result in exposure to or
2 migration of hazardous substances. This shall include a review of
3 available monitoring data.

4 (b) If an environmental covenant has been amended or terminated
5 without proper authority, or if the terms of an environmental covenant
6 have been violated, or if the environmental covenant is no longer
7 effective in limiting or prohibiting activities that may interfere with
8 the integrity of the remedial action or that may result in exposure to
9 or migration of hazardous substances, then the department shall take
10 any and all appropriate actions necessary to ensure compliance with the
11 environmental covenant and the policies and requirements of this
12 chapter.

13 (c) For facilities where an environmental covenant required by the
14 department under subsection (1)(f) of this section was required before
15 July 1, 2007, the department shall:

16 (i) Enter all required information about the environmental covenant
17 into the registry established under RCW 64.70.120 by June 30, 2008;

18 (ii) For those facilities where more than five years has elapsed
19 since the environmental covenant was required and the department has
20 yet to conduct a review, conduct an initial review according to the
21 following schedule:

22 (A) By December 30, 2008, fifty facilities;

23 (B) By June 30, 2009, fifty additional facilities; and

24 (C) By June 30, 2010, the remainder of the facilities;

25 (iii) Once this initial review has been completed, conduct
26 subsequent reviews at least once every five years.

27 Oil Heat Advisory Committee

28 **Sec. 11.** RCW 70.149.040 and 2007 c 240 s 1 are each amended to
29 read as follows:

30 The director shall:

31 (1) Design a program, consistent with RCW 70.149.120, for providing
32 pollution liability insurance for heating oil tanks that provides up to
33 sixty thousand dollars per occurrence coverage and aggregate limits,
34 and protects the state of Washington from unwanted or unanticipated
35 liability for accidental release claims;

1 (2) Administer, implement, and enforce the provisions of this
2 chapter. To assist in administration of the program, the director is
3 authorized to appoint up to two employees who are exempt from the civil
4 service law, chapter 41.06 RCW, and who shall serve at the pleasure of
5 the director;

6 (3) Administer the heating oil pollution liability trust account,
7 as established under RCW 70.149.070;

8 (4) Employ and discharge, at his or her discretion, agents,
9 attorneys, consultants, companies, organizations, and employees as
10 deemed necessary, and to prescribe their duties and powers, and fix
11 their compensation;

12 (5) Adopt rules under chapter 34.05 RCW as necessary to carry out
13 the provisions of this chapter;

14 (6) Design and from time to time revise a reinsurance contract
15 providing coverage to an insurer or insurers meeting the requirements
16 of this chapter. The director is authorized to provide reinsurance
17 through the pollution liability insurance program trust account;

18 (7) Solicit bids from insurers and select an insurer to provide
19 pollution liability insurance for third-party bodily injury and
20 property damage, and corrective action to owners and operators of
21 heating oil tanks;

22 (8) Register, and design a means of accounting for, operating
23 heating oil tanks;

24 (9) Implement a program to provide advice and technical assistance
25 to owners and operators of active and abandoned heating oil tanks if
26 contamination from an active or abandoned heating oil tank is
27 suspected. Advice and assistance regarding administrative and
28 technical requirements may include observation of testing or site
29 assessment and review of the results of reports. If the director finds
30 that contamination is not present or that the contamination is
31 apparently minor and not a threat to human health or the environment,
32 the director may provide written opinions and conclusions on the
33 results of the investigation to owners and operators of active and
34 abandoned heating oil tanks. The agency is authorized to collect, from
35 persons requesting advice and assistance, the costs incurred by the
36 agency in providing such advice and assistance. The costs may include
37 travel costs and expenses associated with review of reports and
38 preparation of written opinions and conclusions. Funds from cost

1 reimbursement must be deposited in the heating oil pollution liability
2 trust account. The state of Washington, the pollution liability
3 insurance agency, and its officers and employees are immune from all
4 liability, and no cause of action arises from any act or omission in
5 providing, or failing to provide, such advice, opinion, conclusion, or
6 assistance;

7 (10) Establish a public information program to provide information
8 regarding liability, technical, and environmental requirements
9 associated with active and abandoned heating oil tanks;

10 (11) Monitor agency expenditures and seek to minimize costs and
11 maximize benefits to ensure responsible financial stewardship;

12 ~~(12) ((Create an advisory committee of stakeholders to advise the
13 director on all aspects of program operations and fees authorized by
14 this chapter, including pollution prevention programs. The advisory
15 committee must have one member each from the Pacific Northwest oil heat
16 council, the Washington oil marketers association, the western states
17 petroleum association, and the department of ecology and three members
18 from among the owners of home heating oil tanks registered with the
19 pollution liability insurance agency who are generally representative
20 of the geographical distribution and types of registered owners. The
21 committee should meet at least quarterly, or more frequently at the
22 discretion of the director; and~~

23 ~~(13))~~ Study if appropriate user fees to supplement program funding
24 are necessary and develop recommendations for legislation to authorize
25 such fees.

26 **Parks Centennial Advisory Committee**

27 **Sec. 12.** RCW 79A.75.900 and 2004 c 14 s 5 are each amended to read
28 as follows:

29 This act expires (~~December 31, 2013~~) June 30, 2009.

30 **Prescription Drug Purchasing Consortium Advisory Committee**

31 **Sec. 13.** RCW 70.14.060 and 2005 c 129 s 1 are each amended to read
32 as follows:

33 (1) The administrator of the state health care authority shall,
34 directly or by contract, adopt policies necessary for establishment of

1 a prescription drug purchasing consortium. The consortium's purchasing
2 activities shall be based upon the evidence-based prescription drug
3 program established under RCW 70.14.050. State purchased health care
4 programs as defined in RCW 41.05.011 shall purchase prescription drugs
5 through the consortium for those prescription drugs that are purchased
6 directly by the state and those that are purchased through
7 reimbursement of pharmacies, unless exempted under this section. The
8 administrator shall not require any supplemental rebate offered to the
9 department of social and health services by a pharmaceutical
10 manufacturer for prescription drugs purchased for medical assistance
11 program clients under chapter 74.09 RCW be extended to any other state
12 purchased health care program, or to any other individuals or entities
13 participating in the consortium. The administrator shall explore joint
14 purchasing opportunities with other states.

15 (2) Participation in the purchasing consortium shall be offered as
16 an option beginning January 1, 2006. Participation in the consortium
17 is purely voluntary for units of local government, private entities,
18 labor organizations, and for individuals who lack or are underinsured
19 for prescription drug coverage. The administrator may set reasonable
20 fees, including enrollment fees, to cover administrative costs
21 attributable to participation in the prescription drug consortium.

22 ~~(3) ((The prescription drug consortium advisory committee is
23 created within the authority. The function of the prescription drug
24 advisory committee is to advise the administrator of the state health
25 care authority on the implementation of the prescription drug
26 purchasing consortium.~~

27 ~~(4) The prescription drug consortium advisory committee shall be
28 composed of eleven members selected as provided in this subsection.~~

29 ~~(a) The administrator shall select one member of the prescription
30 drug consortium advisory committee from each list of three nominees
31 submitted by statewide organizations representing the following:~~

32 ~~(i) One representative of state employees, who represents an
33 employee union certified as exclusive representative of at least one
34 bargaining unit of classified employees;~~

35 ~~(ii) One member who is a licensed physician;~~

36 ~~(iii) One member who is a licensed pharmacist;~~

37 ~~(iv) One member who is a licensed advanced registered nurse
38 practitioner;~~

1 ~~(v) One member representing a health carrier licensed under Title~~
2 ~~48 RCW; and~~

3 ~~(vi) One member representing unions that represent private sector~~
4 ~~employees;~~

5 ~~(b) The administrator shall select two members of the advisory~~
6 ~~committee from a list of nominees submitted by statewide organizations~~
7 ~~representing consumers. One of the consumer members shall have~~
8 ~~knowledge or experience regarding senior citizen prescription drug cost~~
9 ~~and utilization issues;~~

10 ~~(c) The administrator shall select two members of the advisory~~
11 ~~committee from a list of nominees submitted by statewide organizations~~
12 ~~representing business, one of whom shall represent small businesses who~~
13 ~~employ fifty or fewer employees and one of whom shall represent large~~
14 ~~businesses; and~~

15 ~~(d) The administrator shall select one member who is versed in~~
16 ~~biologic medicine through research or academia from the University of~~
17 ~~Washington or Washington State University.~~

18 ~~(5) The administrator shall consult with the advisory committee on~~
19 ~~at least a quarterly basis on significant policy decisions related to~~
20 ~~implementation of the purchasing consortium.~~

21 ~~(6))~~ This section does not apply to state purchased health care
22 services that are purchased from or through health carriers as defined
23 in RCW 48.43.005, or group model health maintenance organizations that
24 are accredited by the national committee for quality assurance.

25 ~~((7))~~ (4) The state health care authority is authorized to adopt
26 rules implementing chapter 129, Laws of 2005.

27 ~~((8))~~ (5) State purchased health care programs are exempt from
28 the requirements of this section if they can demonstrate to the
29 administrator that, as a result of the availability of federal programs
30 or other purchasing arrangements, their other purchasing mechanisms
31 will result in greater discounts and aggregate cost savings than would
32 be realized through participation in the consortium.

33 **Risk Management Advisory Committee**

34 NEW SECTION. **Sec. 14.** RCW 4.92.230 (Risk management--Advisory
35 committee created--Duties) and 2002 c 332 s 19 & 1989 c 419 s 7 are
36 each repealed.

1 **Sec. 15.** RCW 4.92.130 and 2002 c 332 s 14 are each amended to read
2 as follows:

3 A liability account in the custody of the treasurer is hereby
4 created as a nonappropriated account to be used solely and exclusively
5 for the payment of liability settlements and judgments against the
6 state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of
7 its officers, employees, and volunteers and all related legal defense
8 costs.

9 (1) The purpose of the liability account is to: (a) Expeditiously
10 pay legal liabilities and defense costs of the state resulting from
11 tortious conduct; (b) promote risk control through a cost allocation
12 system which recognizes agency loss experience, levels of self-
13 retention, and levels of risk exposure; and (c) establish an
14 actuarially sound system to pay incurred losses, within defined limits.

15 (2) The liability account shall be used to pay claims for injury
16 and property damages and legal defense costs exclusive of agency-
17 retained expenses otherwise budgeted.

18 (3) No money shall be paid from the liability account, except for
19 defense costs, unless all proceeds available to the claimant from any
20 valid and collectible liability insurance shall have been exhausted and
21 unless:

22 (a) The claim shall have been reduced to final judgment in a court
23 of competent jurisdiction; or

24 (b) The claim has been approved for payment.

25 (4) The liability account shall be financed through annual premiums
26 assessed to state agencies, based on sound actuarial principles, and
27 shall be for liability coverage in excess of agency-budgeted self-
28 retention levels.

29 (5) Annual premium levels shall be determined by the risk
30 manager(~~(, with the consultation and advice of the risk management~~
31 ~~advisory committee)~~). An actuarial study shall be conducted to assist
32 in determining the appropriate level of funding.

33 (6) Disbursements for claims from the liability account shall be
34 made to the claimant, or to the clerk of the court for judgments, upon
35 written request to the state treasurer from the risk manager.

36 (7) The director may direct agencies to transfer moneys from other
37 funds and accounts to the liability account if premiums are delinquent.

1 (8) The liability account shall not exceed fifty percent of the
2 actuarial value of the outstanding liability as determined annually by
3 the risk management division. If the account exceeds the maximum
4 amount specified in this section, premiums may be adjusted by the risk
5 management division in order to maintain the account balance at the
6 maximum limits. If, after adjustment of premiums, the account balance
7 remains above the limits specified, the excess amount shall be prorated
8 back to the appropriate funds.

9 **Securities Advisory Committee**

10 NEW SECTION. **Sec. 16.** The following acts or parts of acts are
11 each repealed:

12 (1) RCW 21.20.550 (State advisory committee--Composition,
13 appointment, qualifications) and 1973 1st ex.s. c 171 s 3 & 1959 c 282
14 s 55;

15 (2) RCW 21.20.560 (State advisory committee--Chairperson,
16 secretary--Meetings) and 1979 ex.s. c 68 s 39, 1973 1st ex.s. c 171 s
17 4, & 1959 c 282 s 56;

18 (3) RCW 21.20.570 (State advisory committee--Terms--Vacancies) and
19 1959 c 282 s 57;

20 (4) RCW 21.20.580 (State advisory committee--Duties) and 1981 c 272
21 s 10, 1979 ex.s. c 68 s 40, & 1959 c 282 s 58; and

22 (5) RCW 21.20.590 (State advisory committee--Reimbursement of
23 travel expenses) and 1981 c 272 s 11, 1975-'76 2nd ex.s. c 34 s 65, &
24 1959 c 282 s 59.

25 **Radiologic Technologists Ad Hoc Committee**

26 **Sec. 17.** RCW 18.84.040 and 2008 c 246 s 4 are each amended to read
27 as follows:

28 (1) In addition to any other authority provided by law, the
29 secretary may:

30 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to
31 implement this chapter;

32 (b) Set all registration, certification, and renewal fees in
33 accordance with RCW 43.70.250;

1 (c) Establish forms and procedures necessary to administer this
2 chapter;

3 (d) Evaluate and designate those schools from which graduation will
4 be accepted as proof of an applicant's eligibility to receive a
5 certificate;

6 (e) Determine whether alternative methods of training are
7 equivalent to formal education, and to establish forms, procedures, and
8 criteria for evaluation of an applicant's alternative training to
9 determine the applicant's eligibility to receive a certificate;

10 (f) Issue a certificate to any applicant who has met the education,
11 training, examination, and conduct requirements for certification; and

12 (g) Issue a registration to an applicant who meets the requirement
13 for a registration.

14 (2) The secretary may hire clerical, administrative, and
15 investigative staff as needed to implement this chapter.

16 (3) The uniform disciplinary act, chapter 18.130 RCW, governs the
17 issuance and denial of registrations and certifications, unregistered
18 and uncertified practice, and the discipline of registrants and
19 certificants under this chapter. The secretary is the disciplining
20 authority under this chapter.

21 ~~((4) The secretary may appoint ad hoc members of the profession to
22 serve in an ad hoc advisory capacity to the secretary in carrying out
23 this chapter. The members will serve for designated times and provide
24 advice on matters specifically identified and requested by the
25 secretary. The members shall be compensated in accordance with RCW
26 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and
27 43.03.060.))~~

28 **Sec. 18.** RCW 18.84.070 and 1994 sp.s. c 9 s 507 are each amended
29 to read as follows:

30 The secretary(~~(, ad hoc committee members,~~) or individuals acting
31 on ~~(their)~~ his or her behalf are immune from suit in any civil action
32 based on any certification or disciplinary proceedings or other
33 official acts performed in the course of their duties.

34 **Foster Care Endowed Scholarship Advisory Board**

1 NEW SECTION. **Sec. 19.** RCW 28B.116.040 (Foster care endowed
2 scholarship advisory board) and 2005 c 215 s 5 are each repealed.

3 **Sec. 20.** RCW 28B.116.020 and 2005 c 215 s 3 are each amended to
4 read as follows:

5 (1) The foster care endowed scholarship program is created. The
6 purpose of the program is to help students who were in foster care
7 attend an institution of higher education in the state of Washington.
8 The foster care endowed scholarship program shall be administered by
9 the higher education coordinating board.

10 (2) In administering the program, the higher education coordinating
11 board's powers and duties shall include but not be limited to:

- 12 (a) Adopting necessary rules and guidelines; and
- 13 (b) Administering the foster care endowed scholarship trust fund
14 and the foster care scholarship endowment fund(~~(; and~~
- 15 ~~(c) Establishing and assisting the foster care endowed scholarship~~
16 ~~advisory board in its duties as described in RCW 28B.116.040)).~~

17 (3) In administering the program, the higher education coordinating
18 board's powers and duties may include but not be limited to:

- 19 (a) Working with the department of social and health services and
20 the superintendent of public instruction to provide information about
21 the foster care endowed scholarship program to children in foster care
22 in the state of Washington and to students over the age of sixteen who
23 could be eligible for this program;
- 24 (b) Publicizing the program; and
- 25 (c) Contracting with a private agency to perform outreach to the
26 potentially eligible students.

27 **Higher Education Coordinating Board--Work Study**

28 **Sec. 21.** RCW 28B.12.040 and 1994 c 130 s 4 are each amended to
29 read as follows:

30 (~~With the assistance of an advisory committee,~~) The higher
31 education coordinating board shall develop and administer the state
32 work-study program. The board shall be authorized to enter into
33 agreements with employers and eligible institutions for the operation
34 of the program. These agreements shall include such provisions as the

1 higher education coordinating board may deem necessary or appropriate
2 to carry out the purposes of this chapter.

3 ~~((The members of the work study advisory committee may include, but
4 need not be limited to representatives of public and private community
5 colleges, technical colleges, and four year institutions of higher
6 education; vocational schools; students; community service
7 organizations; public schools; business; and labor. When selecting
8 members of the advisory committee, the board shall consult with
9 institutions of higher education, the state board for community and
10 technical colleges, the workforce training and education coordinating
11 board, and appropriate associations and organizations.))~~ With the
12 exception of off-campus community service placements, the share from
13 moneys disbursed under the state work-study program of the compensation
14 of students employed under such program in accordance with such
15 agreements shall not exceed eighty percent of the total such
16 compensation paid such students.

17 By rule, the board shall define community service placements and
18 may determine any salary matching requirements for any community
19 service employers.

20 **Sexual Offender Treatment Providers Advisory Committee**

21 NEW SECTION. **Sec. 22.** RCW 18.155.050 (Sexual offender treatment
22 providers advisory committee) and 1990 c 3 s 805 are each repealed.

23 **Vendor Rates Advisory Committee**

24 NEW SECTION. **Sec. 23.** The following acts or parts of acts are
25 each repealed:

26 (1) RCW 74.32.100 (Advisory committee on vendor rates--Created--
27 Members--Chairman) and 1971 ex.s. c 87 s 1 & 1969 ex.s. c 203 s 1;

28 (2) RCW 74.32.110 (Advisory committee on vendor rates--"Vendor
29 rates" defined) and 1969 ex.s. c 203 s 2;

30 (3) RCW 74.32.120 (Advisory committee on vendor rates--Meetings--
31 Travel expenses) and 1975-'76 2nd ex.s. c 34 s 170 & 1969 ex.s. c 203
32 s 3;

33 (4) RCW 74.32.130 (Advisory committee on vendor rates--Powers and
34 duties) and 1971 ex.s. c 87 s 2 & 1969 ex.s. c 203 s 4;

1 (5) RCW 74.32.140 (Investigation to determine if additional
2 requirements or standards affecting vendor group) and 1971 ex.s. c 298
3 s 1;

4 (6) RCW 74.32.150 (Investigation to determine if additional
5 requirements or standards affecting vendor group--Scope of
6 investigation) and 1971 ex.s. c 298 s 2;

7 (7) RCW 74.32.160 (Investigation to determine if additional
8 requirements or standards affecting vendor group--Changes investigated
9 regardless of source) and 1971 ex.s. c 298 s 3;

10 (8) RCW 74.32.170 (Investigation to determine if additional
11 requirements or standards affecting vendor group--Prevailing wage
12 scales and fringe benefit programs to be considered) and 1971 ex.s. c
13 298 s 4; and

14 (9) RCW 74.32.180 (Investigation to determine if additional
15 requirements or standards affecting vendor group--Additional factors to
16 be accounted for) and 1971 ex.s. c 298 s 5.

17 **Organized Crime Advisory Board**

18 NEW SECTION. **Sec. 24.** The following acts or parts of acts are
19 each repealed:

20 (1) RCW 43.43.858 (Organized crime advisory board--Created--
21 Membership--Meetings--Travel expenses) and 2000 c 38 s 1, 1987 c 65 s
22 1, 1980 c 146 s 14, 1975-'76 2nd ex.s. c 34 s 115, & 1973 1st ex.s. c
23 202 s 5;

24 (2) RCW 43.43.860 (Organized crime advisory board--Terms of
25 members) and 1987 c 65 s 2, 1980 c 146 s 15, & 1973 1st ex.s. c 202 s
26 6;

27 (3) RCW 43.43.862 (Organized crime advisory board--Powers and
28 duties) and 1973 1st ex.s. c 202 s 7;

29 (4) RCW 43.43.864 (Information to be furnished board--Security--
30 Confidentiality) and 1973 1st ex.s. c 202 s 8;

31 (5) RCW 10.29.030 (Appointment of statewide special inquiry judge--
32 Procedure--Term--Confidentiality) and 2005 c 274 s 204 & 1980 c 146 s
33 3;

34 (6) RCW 10.29.040 (Scope of investigation and proceeding--Request
35 for additional authority) and 1980 c 146 s 4;

1 (7) RCW 10.29.080 (Special prosecutor--Selection--Qualifications--
2 Removal) and 1980 c 146 s 8; and
3 (8) RCW 10.29.090 (Operating budget--Contents--Audit) and 2005 c
4 274 s 205 & 1980 c 146 s 9.

5 **Sec. 25.** RCW 43.43.866 and 1980 c 146 s 16 are each amended to
6 read as follows:

7 There shall be a fund known as the organized crime prosecution
8 revolving fund which shall consist of such moneys as may be
9 appropriated by law. The state treasurer shall be custodian of the
10 revolving fund. Disbursements from the revolving fund shall be subject
11 to budget approval given by the (~~organized crime advisory board~~
12 ~~pursuant to RCW 10.29.090~~) chief of the Washington state patrol, and
13 may be made either on authorization of the governor or the governor's
14 designee, or upon request of (~~a majority of the members of the~~
15 ~~organized crime advisory board~~) the chief of the Washington state
16 patrol. In order to maintain an effective expenditure and revenue
17 control, the organized crime prosecution revolving fund shall be
18 subject in all respects to chapter 43.88 RCW but no appropriation shall
19 be required to permit expenditures and payment of obligations from the
20 fund.

21 **Sec. 26.** RCW 43.10.240 and 1985 c 251 s 1 are each amended to read
22 as follows:

23 The attorney general shall annually report to the (~~organized crime~~
24 ~~advisory board~~) chief of the Washington state patrol a summary of the
25 attorney general's investigative and criminal prosecution activity
26 conducted pursuant to this chapter. Except to the extent the summary
27 describes information that is a matter of public record, the
28 information made available to the (~~board~~) chief of the Washington
29 state patrol shall be given all necessary security protection in
30 accordance with the terms and provisions of applicable laws and rules
31 and shall not be revealed or divulged publicly or privately (~~by~~
32 ~~members of the board~~)).

33 **Lieutenant Governor Appointments and Assignments**

1 **Sec. 27.** RCW 43.15.020 and 2008 c 152 s 9 are each amended to read
2 as follows:

3 The lieutenant governor serves as president of the senate and is
4 responsible for making appointments to, and serving on, the committees
5 and boards as set forth in this section.

6 (1) The lieutenant governor serves on the following boards and
7 committees:

8 (a) Capitol furnishings preservation committee, RCW 27.48.040;

9 (b) Washington higher education facilities authority, RCW
10 28B.07.030;

11 (c) Productivity board, also known as the employee involvement and
12 recognition board, RCW 41.60.015;

13 (d) State finance committee, RCW 43.33.010;

14 (e) State capitol committee, RCW 43.34.010;

15 (f) Washington health care facilities authority, RCW 70.37.030;

16 (g) State medal of merit nominating committee, RCW 1.40.020;

17 (h) Medal of valor committee, RCW 1.60.020; and

18 (i) Association of Washington generals, RCW 43.15.030.

19 (2) The lieutenant governor, and when serving as president of the
20 senate, appoints members to the following boards and committees:

21 ~~((a))~~ ~~((Organized crime advisory board, RCW 43.43.858;~~

22 ~~((b))~~ Civil legal aid oversight committee, RCW 2.53.010;

23 ~~((c))~~ (b) Office of public defense advisory committee, RCW
24 2.70.030;

25 ~~((d))~~ (c) Washington state gambling commission, RCW 9.46.040;

26 ~~((e))~~ (d) Sentencing guidelines commission, RCW 9.94A.860;

27 ~~((f))~~ (e) State building code council, RCW 19.27.070;

28 ~~((g))~~ (f) Women's history consortium board of advisors, RCW
29 27.34.365;

30 ~~((h))~~ (g) Financial literacy public-private partnership, RCW
31 28A.300.450;

32 ~~((i))~~ (h) Joint administrative rules review committee, RCW
33 34.05.610;

34 ~~((j))~~ (i) Capital projects advisory review board, RCW 39.10.220;

35 ~~((k))~~ (j) Select committee on pension policy, RCW 41.04.276;

36 ~~((l))~~ (k) Legislative ethics board, RCW 42.52.310;

37 ~~((m))~~ (l) Washington citizens' commission on salaries, RCW
38 43.03.305;

1 ~~((n))~~ (m) Legislative oral history (~~(advisory)~~) committee, RCW
2 ~~((43.07.230))~~ 44.04.325;
3 ~~((o))~~ (n) State council on aging, RCW 43.20A.685;
4 ~~((p))~~ (o) State investment board, RCW 43.33A.020;
5 ~~((q))~~ (p) Capitol campus design advisory committee, RCW
6 43.34.080;
7 ~~((r))~~ (q) Washington state arts commission, RCW 43.46.015;
8 ~~((s))~~ (r) Information services board, RCW 43.105.032;
9 ~~((t))~~ (s) K-20 educational network board, RCW 43.105.800;
10 ~~((u))~~ (t) Municipal research council, RCW 43.110.010;
11 ~~((v))~~ (u) Council for children and families, RCW 43.121.020;
12 ~~((w))~~ (v) PNWER-Net working subgroup under chapter 43.147 RCW;
13 ~~((x))~~ (w) Community economic revitalization board, RCW
14 43.160.030;
15 ~~((y))~~ (x) Washington economic development finance authority, RCW
16 43.163.020;
17 ~~((z) Tourism development advisory committee, RCW 43.330.095;~~
18 ~~((aa))~~ (y) Life sciences discovery fund authority, RCW 43.350.020;
19 ~~((bb))~~ (z) Legislative children's oversight committee, RCW
20 44.04.220;
21 ~~((cc))~~ (aa) Joint legislative audit and review committee, RCW
22 44.28.010;
23 ~~((dd))~~ (bb) Joint committee on energy supply and energy
24 conservation, RCW 44.39.015;
25 ~~((ee))~~ (cc) Legislative evaluation and accountability program
26 committee, RCW 44.48.010;
27 ~~((ff))~~ (dd) Agency council on coordinated transportation, RCW
28 47.06B.020;
29 ~~((gg))~~ (ee) Manufactured housing task force, RCW 59.22.090;
30 ~~((hh))~~ (ff) Washington horse racing commission, RCW 67.16.014;
31 ~~((ii))~~ (gg) Correctional industries board of directors, RCW
32 72.09.080;
33 ~~((jj))~~ (hh) Joint committee on veterans' and military affairs,
34 RCW 73.04.150;
35 ~~((kk) Washington state parks centennial advisory committee, RCW~~
36 ~~79A.75.010;~~
37 ~~((ll) Puget Sound council, RCW 90.71.030;~~

1 ~~(mm)~~) (ii) Joint legislative committee on water supply during
2 drought, RCW 90.86.020;
3 ~~((nn))~~ (jj) Statute law committee, RCW 1.08.001; and
4 ~~((oo))~~ (kk) Joint legislative oversight committee on trade
5 policy, RCW 44.55.020.

6 NEW SECTION. **Sec. 28.** (1) All documents and papers, equipment, or
7 other tangible property in the possession of the terminated entity
8 shall be delivered to the custody of the entity assuming the
9 responsibilities of the terminated entity or if such responsibilities
10 have been eliminated, documents and papers shall be delivered to the
11 state archivist and equipment or other tangible property to the
12 department of general administration.

13 (2) All funds held by, or other moneys due to, the terminated
14 entity shall revert to the fund from which they were appropriated, or
15 if that fund is abolished to the general fund.

16 (3) All contractual rights and duties of an entity shall be
17 assigned or delegated to the entity assuming the responsibilities of
18 the terminated entity, or if there is none to such entity as the
19 governor shall direct.

20 NEW SECTION. **Sec. 29.** Subheadings used in this act are not any
21 part of the law.

22 NEW SECTION. **Sec. 30.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 June 30, 2009.

Passed by the Senate April 26, 2009.

Passed by the House April 26, 2009.

Approved by the Governor May 19, 2009.

Filed in Office of Secretary of State May 20, 2009.