S-1821.1

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**SUBSTITUTE SENATE BILL 5311**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senate State Government, Tribal Relations & Elections (originally sponsored by Senator Hunt; by request of Office of Financial Management)

AN ACT Relating to government efficiency by eliminating, revising, or decodifying obsolete or inactive statutory provisions that concern the office of financial management; amending RCW 4.84.360, 38.40.030, 43.03.049, 43.08.015, and 43.320.090; and repealing RCW 28B.15.101, 39.80.070, 43.41.220, 43.41.230, 43.41.240, 43.41.250, 43.41.905, and 43.132.800.

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

**Sec.**  RCW 4.84.360 and 1995 c 403 s 904 are each amended to read as follows:

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

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

If any member of the organized militia is injured, incapacitated, or otherwise disabled while in active state service or inactive duty as a member of the organized militia, he or she shall receive from the state of Washington just and reasonable relief in the amount to be determined as provided in this section, including necessary medical care. If the member dies from disease contracted or injury received or is killed while in active state service or inactive duty under order of the governor, then the dependents of the deceased shall receive such compensation as may be allowed as provided in this section. If the United States or any agent thereof, in accordance with any federal statute or regulation, furnishes monetary assistance, benefits, or other temporary or permanent relief to militia members or to their dependents for injuries arising out of and occurring in the course of their activities as militia members, but not including Social Security benefits, then the amount of compensation which any militia member or his or her dependents are otherwise entitled to receive from the state of Washington as provided in this section shall be reduced by the amount of monetary assistance, benefits, or other temporary or permanent relief the militia member or his or her dependents have received and will receive from the United States or any agent thereof as a result of his or her injury. All claims arising under this section shall be inquired into by a board of three officers, at least one being a medical officer, to be appointed by the adjutant general. The board has the same power to take evidence, administer oaths, issue subpoenas, compel witnesses to attend and testify and produce books and papers, and punish their failure to do so as is possessed by a general court martial. The amount of compensation or benefits payable shall conform as nearly as possible to the general schedule of payments and awards provided under the workers' compensation law in effect in the state of Washington at the time the disability or death occurred. The findings of the board shall be reviewed by the adjutant general ((~~and submitted to the governor~~)) for final approval. The ((~~reviewing officer or the governor~~)) adjutant general may return the proceedings for revision or for the taking of further testimony. The action of the board when finally approved by the ((~~governor~~)) adjutant general is final and conclusive and constitutes the fixed award for the injury or loss and is a debt of the state of Washington.

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

Exceptions to restrictions on subsistence, lodging, or travel expenses under this chapter may be granted for the critically necessary work of an agency. For boards, commissions, councils, committees, or similar groups in agencies of the executive branch, the exceptions ((~~shall be~~)) are subject to approval by the ((~~director of financial management or the director's designee~~)) agency head or authorized designee. For boards, commissions, councils, committees, or similar groups in the executive branch under the purview of a separately elected official, president of an institution of higher education, chair, or executive director, the exceptions are subject to approval of the separately elected official, president of the institution of higher education, chair, or executive director. For agencies of the judicial branch, the exceptions shall be subject to approval of the chief justice of the supreme court. For the house of representatives and the senate, the exceptions shall be subject to the approval of the chief clerk of the house of representatives and the secretary of the senate, respectively, under the direction of the senate committee on facilities and operations and the executive rules committee of the house of representatives. For other legislative agencies, the exceptions shall be subject to approval of both the chief clerk of the house of representatives and the secretary of the senate under the direction of the senate committee on facilities and operations and the executive rules committee of the house of representatives.

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

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

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

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

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

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

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

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

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

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

(2)RCW 39.80.070 (Contracts, modifications reported to the office of financial management) and 1993 c 433 s 9;

(3)RCW 43.41.220 (Review of boards and commissions by governor—Report—Termination—Transfers) and 1994 sp.s. c 9 s 873;

(4)RCW 43.41.230 (Boards and commissions reviewed—Exceptions) and 1994 sp.s. c 9 s 874;

(5)RCW 43.41.240 (Approval of board or commission not established or required by statute) and 1998 c 245 s 64 & 1994 sp.s. c 9 s 875;

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

(7)RCW 43.41.905 (Interagency task force on unintended pregnancy) and 1997 c 58 s 1001; and

(8)RCW 43.132.800 (Fiscal impact on local governments of selected laws enacted over five-year period—Annual report) and 2000 c 182 s 5.

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