

CERTIFICATION OF ENROLLMENT  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1371

62nd Legislature  
2011 1st Special Session

Passed by the House May 23, 2011  
Yeas 50 Nays 45

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**Speaker of the House of Representatives**

Passed by the Senate May 20, 2011  
Yeas 37 Nays 5

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1371** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**



1       **Sec. 1.** RCW 72.23.025 and 2006 c 333 s 204 are each amended to  
2 read as follows:

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

17       (2)(~~(a) The eastern state hospital board and the western state  
18 hospital board are each established. Members of the boards shall be  
19 appointed by the governor with the consent of the senate. Each board  
20 shall include:~~

21       ~~(i) The director of the institute for the study and treatment of  
22 mental disorders established at the hospital;~~

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

24       ~~(iii) One consumer of services;~~

25       ~~(iv) One community mental health service provider;~~

26       ~~(v) Two citizens with no financial or professional interest in  
27 mental health services;~~

28       ~~(vi) One representative of the regional support network in which  
29 the hospital is located;~~

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

31       ~~(viii) One representative from the nursing staff;~~

32       ~~(ix) One representative from the other professional staff;~~

33       ~~(x) One representative from the nonprofessional staff; and~~

34       ~~(xi) One representative of a minority community.~~

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

37       ~~(c) Members shall serve four year terms. Members of the board~~

1 shall be reimbursed for travel expenses as provided in RCW 43.03.050  
2 and 43.03.060 and shall receive compensation as provided in RCW  
3 43.03.240.

4 ~~(3) The boards established under this section shall:~~

5 ~~(a) Monitor the operation and activities of the hospital;~~

6 ~~(b) Review and advise on the hospital budget;~~

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

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

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

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

23 (i) Promote recruitment and retention of highly qualified  
24 professionals at the state hospitals and community mental health  
25 programs;

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

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

31 (iv) Promote bilateral understanding of treatment orientation,  
32 possibilities, and challenges between state hospital professionals and  
33 community mental health professionals.

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

36 (i) Enter joint operating agreements with state universities or  
37 other institutions of higher education to accomplish the placement and

1 training of students and faculty in psychiatry, psychology, social  
2 work, occupational therapy, nursing, and other relevant professions at  
3 the state hospitals and community mental health programs;

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

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

9 (iv) Establish a student loan forgiveness and conditional  
10 scholarship program to retain qualified professionals at the state  
11 hospitals and community mental health providers when the secretary has  
12 determined a shortage of such professionals exists.

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

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

#### 20 **Firearms Range Advisory Committee**

21 NEW SECTION. **Sec. 2.** RCW 79A.25.220 (Firearms range advisory  
22 committee) and 2007 c 241 s 55, 1993 sp.s. c 2 s 71, & 1990 c 195 s 3  
23 are each repealed.

#### 24 **Home Care Quality Authority**

25 NEW SECTION. **Sec. 3.** The following acts or parts of acts are each  
26 repealed:

27 (1) RCW 70.127.041 (Home care quality authority not subject to  
28 regulation) and 2002 c 3 s 13;

29 (2) RCW 74.39A.230 (Authority created) and 2002 c 3 s 2; and

30 (3) RCW 74.39A.280 (Powers) and 2002 c 3 s 7.

31 NEW SECTION. **Sec. 4.** RCW 74.39A.290 is decodified.

1       **Sec. 5.** RCW 74.39A.095 and 2009 c 580 s 8 are each amended to read  
2 as follows:

3       (1) In carrying out case management responsibilities established  
4 under RCW 74.39A.090 for consumers who are receiving services under the  
5 medicaid personal care, community options programs entry system or  
6 chore services program through an individual provider, each area agency  
7 on aging shall provide oversight of the care being provided to  
8 consumers receiving services under this section to the extent of  
9 available funding. Case management responsibilities incorporate this  
10 oversight, and include, but are not limited to:

11       (a) Verification that any individual provider (~~(who has not been~~  
12 ~~referred to a consumer by the authority)~~) has met any training  
13 requirements established by the department;

14       (b) Verification of a sample of worker time sheets;

15       (c) Monitoring the consumer's plan of care to verify that it  
16 adequately meets the needs of the consumer, through activities such as  
17 home visits, telephone contacts, and responses to information received  
18 by the area agency on aging indicating that a consumer may be  
19 experiencing problems relating to his or her home care;

20       (d) Reassessing and reauthorizing services;

21       (e) Monitoring of individual provider performance(~~(. If, in the~~  
22 ~~course of its case management activities, the area agency on aging~~  
23 ~~identifies concerns regarding the care being provided by an individual~~  
24 ~~provider who was referred by the authority, the area agency on aging~~  
25 ~~must notify the authority regarding its concerns))); and~~

26       (f) Conducting criminal background checks or verifying that  
27 criminal background checks have been conducted for any individual  
28 provider (~~(who has not been referred to a consumer by the authority)~~).  
29 Individual providers who are hired after January 1, 2012, are subject  
30 to background checks under RCW 74.39A.055.

31       (2) The area agency on aging case manager shall work with each  
32 consumer to develop a plan of care under this section that identifies  
33 and ensures coordination of health and long-term care services that  
34 meet the consumer's needs. In developing the plan, they shall utilize,  
35 and modify as needed, any comprehensive community service plan  
36 developed by the department as provided in RCW 74.39A.040. The plan of  
37 care shall include, at a minimum:

1 (a) The name and telephone number of the consumer's area agency on  
2 aging case manager, and a statement as to how the case manager can be  
3 contacted about any concerns related to the consumer's well-being or  
4 the adequacy of care provided;

5 (b) The name and telephone numbers of the consumer's primary health  
6 care provider, and other health or long-term care providers with whom  
7 the consumer has frequent contacts;

8 (c) A clear description of the roles and responsibilities of the  
9 area agency on aging case manager and the consumer receiving services  
10 under this section;

11 (d) The duties and tasks to be performed by the area agency on  
12 aging case manager and the consumer receiving services under this  
13 section;

14 (e) The type of in-home services authorized, and the number of  
15 hours of services to be provided;

16 (f) The terms of compensation of the individual provider;

17 (g) A statement by the individual provider that he or she has the  
18 ability and willingness to carry out his or her responsibilities  
19 relative to the plan of care; and

20 (h)(i) Except as provided in (h)(ii) of this subsection, a clear  
21 statement indicating that a consumer receiving services under this  
22 section has the right to waive any of the case management services  
23 offered by the area agency on aging under this section, and a clear  
24 indication of whether the consumer has, in fact, waived any of these  
25 services.

26 (ii) The consumer's right to waive case management services does  
27 not include the right to waive reassessment or reauthorization of  
28 services, or verification that services are being provided in  
29 accordance with the plan of care.

30 (3) Each area agency on aging shall retain a record of each waiver  
31 of services included in a plan of care under this section.

32 (4) Each consumer has the right to direct and participate in the  
33 development of their plan of care to the maximum practicable extent of  
34 their abilities and desires, and to be provided with the time and  
35 support necessary to facilitate that participation.

36 (5) A copy of the plan of care must be distributed to the  
37 consumer's primary care provider, individual provider, and other

1 relevant providers with whom the consumer has frequent contact, as  
2 authorized by the consumer.

3 (6) The consumer's plan of care shall be an attachment to the  
4 contract between the department, or their designee, and the individual  
5 provider.

6 (7) If the department or area agency on aging case manager finds  
7 that an individual provider's inadequate performance or inability to  
8 deliver quality care is jeopardizing the health, safety, or well-being  
9 of a consumer receiving service under this section, the department or  
10 the area agency on aging may take action to terminate the contract  
11 between the department and the individual provider. If the department  
12 or the area agency on aging has a reasonable, good faith belief that  
13 the health, safety, or well-being of a consumer is in imminent  
14 jeopardy, the department or area agency on aging may summarily suspend  
15 the contract pending a fair hearing. The consumer may request a fair  
16 hearing to contest the planned action of the case manager, as provided  
17 in chapter 34.05 RCW. (~~When the department or area agency on aging~~  
18 ~~terminates or summarily suspends a contract under this subsection, it~~  
19 ~~must provide oral and written notice of the action taken to the~~  
20 ~~authority.)) The department may by rule adopt guidelines for  
21 implementing this subsection.~~

22 (8) The department or area agency on aging may reject a request by  
23 a consumer receiving services under this section to have a family  
24 member or other person serve as his or her individual provider if the  
25 case manager has a reasonable, good faith belief that the family member  
26 or other person will be unable to appropriately meet the care needs of  
27 the consumer. The consumer may request a fair hearing to contest the  
28 decision of the case manager, as provided in chapter 34.05 RCW. The  
29 department may by rule adopt guidelines for implementing this  
30 subsection.

31 **Sec. 6.** RCW 74.39A.220 and 2002 c 3 s 1 are each amended to read  
32 as follows:

33 The people of the state of Washington find as follows:

34 (1) Thousands of Washington seniors and persons with disabilities  
35 live independently in their own homes, which they prefer and is less  
36 costly than institutional care such as nursing homes.



1 (2) Many Washington seniors and persons with disabilities currently  
2 receive long-term in-home care services from individual providers hired  
3 directly by them under the medicaid personal care, community options  
4 programs entry system, or chore services program.

5 (3) Quality long-term in-home care services allow Washington  
6 seniors, persons with disabilities, and their families the choice of  
7 allowing seniors and persons with disabilities to remain in their  
8 homes, rather than forcing them into institutional care such as nursing  
9 homes. Long-term in-home care services are also less costly, saving  
10 Washington taxpayers significant amounts through lower reimbursement  
11 rates.

12 ~~((4) The quality of long term in home care services in Washington  
13 would benefit from improved regulation, higher standards, better  
14 accountability, and improved access to such services. The quality of  
15 long term in home care services would further be improved by a well-  
16 trained, stable individual provider workforce earning reasonable wages  
17 and benefits.~~

18 ~~(5) Washington seniors and persons with disabilities would benefit  
19 from the establishment of an authority that has the power and duty to  
20 regulate and improve the quality of long term in home care services.~~

21 ~~(6) The authority should ensure that the quality of long term in-  
22 home care services provided by individual providers is improved through  
23 better regulation, higher standards, increased accountability, and the  
24 enhanced ability to obtain services. The authority should also  
25 encourage stability in the individual provider workforce through  
26 collective bargaining and by providing training opportunities.))~~

27 **Sec. 7.** RCW 74.39A.240 and 2002 c 3 s 3 are each amended to read  
28 as follows:

29 The definitions in this section apply throughout RCW 74.39A.030 and  
30 74.39A.095 and 74.39A.220 through 74.39A.300, and 41.56.026(~~(7~~  
31 ~~70.127.041, and 74.09.740)) unless the context clearly requires  
32 otherwise.~~

33 (1) ~~(("Authority" means the home care quality authority.~~

34 ~~(2) "Board" means the board created under RCW 74.39A.230.~~

35 ~~(3))~~ "Consumer" means a person to whom an individual provider  
36 provides any such services.

1        ~~((4))~~ (2) "Department" means the department of social and health  
2 services.

3        (3) "Individual provider" means a person, including a personal  
4 aide, who has contracted with the department to provide personal care  
5 or respite care services to functionally disabled persons under the  
6 medicaid personal care, community options program entry system, chore  
7 services program, or respite care program, or to provide respite care  
8 or residential services and support to persons with developmental  
9 disabilities under chapter 71A.12 RCW, or to provide respite care as  
10 defined in RCW 74.13.270.

11        **Sec. 8.** RCW 74.39A.250 and 2002 c 3 s 4 are each amended to read  
12 as follows:

13        (1) ~~((The authority must carry out the following duties:~~

14        ~~(a) Establish qualifications and reasonable standards for~~  
15 ~~accountability for and investigate the background of individual~~  
16 ~~providers and prospective individual providers, except in cases where,~~  
17 ~~after the department has sought approval of any appropriate amendments~~  
18 ~~or waivers under RCW 74.09.740, federal law or regulation requires that~~  
19 ~~such qualifications and standards for accountability be established by~~  
20 ~~another entity in order to preserve eligibility for federal funding.~~  
21 ~~Qualifications established must include compliance with the minimum~~  
22 ~~requirements for training and satisfactory criminal background checks~~  
23 ~~as provided in RCW 74.39A.050 and confirmation that the individual~~  
24 ~~provider or prospective individual provider is not currently listed on~~  
25 ~~any long-term care abuse and neglect registry used by the department at~~  
26 ~~the time of the investigation;~~

27        ~~(b) Undertake recruiting activities to identify and recruit~~  
28 ~~individual providers and prospective individual providers;~~

29        ~~(c) Provide training opportunities, either directly or through~~  
30 ~~contract, for individual providers, prospective individual providers,~~  
31 ~~consumers, and prospective consumers;~~

32        ~~(d))~~ The department shall provide assistance to consumers and  
33 prospective consumers in finding individual providers and prospective  
34 individual providers through the establishment of a referral registry  
35 of individual providers and prospective individual providers. Before  
36 placing an individual provider or prospective individual provider on

1 the referral registry, the ~~((authority))~~ department shall determine  
2 that:

3 ~~((i))~~ (a) The individual provider or prospective individual  
4 provider has met the minimum requirements for training set forth in RCW  
5 74.39A.050;

6 ~~((ii))~~ (b) The individual provider or prospective individual  
7 provider has satisfactorily undergone a criminal background check  
8 conducted within the prior twelve months; and

9 ~~((iii))~~ (c) The individual provider or prospective individual  
10 provider is not listed on any long-term care abuse and neglect registry  
11 used by the department(~~(+~~

12 ~~(e) Remove~~)).

13 (2) The department shall remove from the referral registry any  
14 individual provider or prospective individual provider ~~((the authority~~  
15 ~~determines))~~ that does not ~~((to))~~ meet the qualifications set forth in  
16 ~~((d) of this))~~ subsection (1) of this section or to have committed  
17 misfeasance or malfeasance in the performance of his or her duties as  
18 an individual provider. The individual provider or prospective  
19 individual provider, or the consumer to which the individual provider  
20 is providing services, may request a fair hearing to contest the  
21 removal from the referral registry, as provided in chapter 34.05 RCW(~~(+~~

22 ~~(f))~~ (3) The department shall provide routine, emergency, and  
23 respite referrals of individual providers and prospective individual  
24 providers to consumers and prospective consumers who are authorized to  
25 receive long-term in-home care services through an individual  
26 provider(~~(+~~

27 ~~(g))~~).

28 (4) The department shall give preference in the recruiting,  
29 training, referral, and employment of individual providers and  
30 prospective individual providers to recipients of public assistance or  
31 other low-income persons who would qualify for public assistance in the  
32 absence of such employment(~~(+ and~~

33 ~~(h) Cooperate with the department, area agencies on aging, and~~  
34 ~~other federal, state, and local agencies to provide the services~~  
35 ~~described and set forth in this section. If, in the course of carrying~~  
36 ~~out its duties, the authority identifies concerns regarding the~~  
37 ~~services being provided by an individual provider, the authority must~~

1 ~~notify the relevant area agency or department case manager regarding~~  
2 ~~such concerns.~~

3 ~~(2) In determining how best to carry out its duties, the authority~~  
4 ~~must identify existing individual provider recruitment, training, and~~  
5 ~~referral resources made available to consumers by other state and local~~  
6 ~~public, private, and nonprofit agencies. The authority may coordinate~~  
7 ~~with the agencies to provide a local presence for the authority and to~~  
8 ~~provide consumers greater access to individual provider recruitment,~~  
9 ~~training, and referral resources in a cost-effective manner. Using~~  
10 ~~requests for proposals or similar processes, the authority may contract~~  
11 ~~with the agencies to provide recruitment, training, and referral~~  
12 ~~services if the authority determines the agencies can provide the~~  
13 ~~services according to reasonable standards of performance determined by~~  
14 ~~the authority. The authority must provide an opportunity for consumer~~  
15 ~~participation in the determination of the standards)).~~

16 **Sec. 9.** RCW 74.39A.260 and 2009 c 580 s 9 are each amended to read  
17 as follows:

18 The department must perform criminal background checks for  
19 individual providers and prospective individual providers (~~and ensure~~  
20 ~~that the authority has ready access to any long-term care abuse and~~  
21 ~~neglect registry used by the department)). Individual providers who  
22 are hired after January 1, 2012, are subject to background checks under  
23 RCW 74.39A.055.~~

24 **Sec. 10.** RCW 74.39A.270 and 2007 c 361 s 7 and 2007 c 278 s 3 are  
25 each reenacted and amended to read as follows:

26 (1) Solely for the purposes of collective bargaining and as  
27 expressly limited under subsections (2) and (3) of this section, the  
28 governor is the public employer, as defined in chapter 41.56 RCW, of  
29 individual providers, who, solely for the purposes of collective  
30 bargaining, are public employees as defined in chapter 41.56 RCW. To  
31 accommodate the role of the state as payor for the community-based  
32 services provided under this chapter and to ensure coordination with  
33 state employee collective bargaining under chapter 41.80 RCW and the  
34 coordination necessary to implement RCW 74.39A.300, the public employer  
35 shall be represented for bargaining purposes by the governor or the  
36 governor's designee appointed under chapter 41.80 RCW. The governor or

1 governor's designee shall periodically consult with the authority  
2 during the collective bargaining process to allow the authority to  
3 communicate issues relating to the long-term in-home care services  
4 received by consumers. (~~The governor or the governor's designee shall~~  
5 ~~consult the authority on all issues for which the exclusive bargaining~~  
6 ~~representative requests to engage in collective bargaining under~~  
7 ~~subsections (6) and (7) of this section.~~) The ((authority))  
8 department shall ((~~work with~~)) solicit input from the developmental  
9 disabilities council, the governor's committee on disability issues and  
10 employment, the state council on aging, and other consumer advocacy  
11 organizations to obtain informed input from consumers on their  
12 interests, including impacts on consumer choice, for all issues  
13 proposed for collective bargaining under subsections (5) and (6) ((~~and~~  
14 ~~(7)~~)) of this section.

15 (2) Chapter 41.56 RCW governs the collective bargaining  
16 relationship between the governor and individual providers, except as  
17 otherwise expressly provided in this chapter and except as follows:

18 (a) The only unit appropriate for the purpose of collective  
19 bargaining under RCW 41.56.060 is a statewide unit of all individual  
20 providers;

21 (b) The showing of interest required to request an election under  
22 RCW 41.56.060 is ten percent of the unit, and any intervener seeking to  
23 appear on the ballot must make the same showing of interest;

24 (c) The mediation and interest arbitration provisions of RCW  
25 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

26 (i) With respect to commencement of negotiations between the  
27 governor and the bargaining representative of individual providers,  
28 negotiations shall be commenced by May 1st of any year prior to the  
29 year in which an existing collective bargaining agreement expires; and

30 (ii) The decision of the arbitration panel is not binding on the  
31 legislature and, if the legislature does not approve the request for  
32 funds necessary to implement the compensation and fringe benefit  
33 provisions of the arbitrated collective bargaining agreement, is not  
34 binding on the authority or the state;

35 (d) Individual providers do not have the right to strike; and

36 (e) Individual providers who are related to, or family members of,  
37 consumers or prospective consumers are not, for that reason, exempt  
38 from this chapter or chapter 41.56 RCW.

1 (3) Individual providers who are public employees solely for the  
2 purposes of collective bargaining under subsection (1) of this section  
3 are not, for that reason, employees of the state, its political  
4 subdivisions, or an area agency on aging for any purpose. Chapter  
5 41.56 RCW applies only to the governance of the collective bargaining  
6 relationship between the employer and individual providers as provided  
7 in subsections (1) and (2) of this section.

8 (4) Consumers and prospective consumers retain the right to select,  
9 hire, supervise the work of, and terminate any individual provider  
10 providing services to them. Consumers may elect to receive long-term  
11 in-home care services from individual providers who are not referred to  
12 them by the authority.

13 ~~(5) ((In implementing and administering this chapter, neither the  
14 authority nor any of its contractors may reduce or increase the hours  
15 of service for any consumer below or above the amount determined to be  
16 necessary under any assessment prepared by the department or an area  
17 agency on aging.~~

18 ~~(6))~~ Except as expressly limited in this section and RCW  
19 74.39A.300, the wages, hours, and working conditions of individual  
20 providers are determined solely through collective bargaining as  
21 provided in this chapter. No agency or department of the state may  
22 establish policies or rules governing the wages or hours of individual  
23 providers. However, this subsection does not modify:

24 (a) The department's authority to establish a plan of care for each  
25 consumer or its core responsibility to manage long-term in-home care  
26 services under this chapter, including determination of the level of  
27 care that each consumer is eligible to receive. However, at the  
28 request of the exclusive bargaining representative, the governor or the  
29 governor's designee appointed under chapter 41.80 RCW shall engage in  
30 collective bargaining, as defined in RCW 41.56.030(4), with the  
31 exclusive bargaining representative over how the department's core  
32 responsibility affects hours of work for individual providers. This  
33 subsection shall not be interpreted to require collective bargaining  
34 over an individual consumer's plan of care;

35 (b) The department's authority to terminate its contracts with  
36 individual providers who are not adequately meeting the needs of a  
37 particular consumer, or to deny a contract under RCW 74.39A.095(8);

1 (c) The consumer's right to assign hours to one or more individual  
2 providers selected by the consumer within the maximum hours determined  
3 by his or her plan of care;

4 (d) The consumer's right to select, hire, terminate, supervise the  
5 work of, and determine the conditions of employment for each individual  
6 provider providing services to the consumer under this chapter;

7 (e) The department's obligation to comply with the federal medicaid  
8 statute and regulations and the terms of any community-based waiver  
9 granted by the federal department of health and human services and to  
10 ensure federal financial participation in the provision of the  
11 services; and

12 (f) The legislature's right to make programmatic modifications to  
13 the delivery of state services under this title, including standards of  
14 eligibility of consumers and individual providers participating in the  
15 programs under this title, and the nature of services provided. The  
16 governor shall not enter into, extend, or renew any agreement under  
17 this chapter that does not expressly reserve the legislative rights  
18 described in this subsection ~~((+6+))~~ (5)(f).

19 ~~((+7+))~~ (6) At the request of the exclusive bargaining  
20 representative, the governor or the governor's designee appointed under  
21 chapter 41.80 RCW shall engage in collective bargaining, as defined in  
22 RCW 41.56.030(4), with the exclusive bargaining representative over  
23 employer contributions to the training partnership for the costs of:  
24 (a) Meeting all training and peer mentoring required under this  
25 chapter; and (b) other training intended to promote the career  
26 development of individual providers.

27 ~~((+8+(a+))~~ (7) The state, the department, ~~((the authority,))~~ the  
28 area agencies on aging, or their contractors under this chapter may not  
29 be held vicariously or jointly liable for the action or inaction of any  
30 individual provider or prospective individual provider, whether or not  
31 that individual provider or prospective individual provider was  
32 included on the ~~((authority's))~~ referral registry or referred to a  
33 consumer or prospective consumer. The existence of a collective  
34 bargaining agreement, the placement of an individual provider on the  
35 referral registry, or the development or approval of a plan of care for  
36 a consumer who chooses to use the services of an individual provider  
37 and the provision of case management services to that consumer, by the

1 department or an area agency on aging, does not constitute a special  
2 relationship with the consumer.

3 ~~((b) The members of the board are immune from any liability~~  
4 ~~resulting from implementation of this chapter.~~

5 (9)) (8) Nothing in this section affects the state's  
6 responsibility with respect to unemployment insurance for individual  
7 providers. However, individual providers are not to be considered, as  
8 a result of the state assuming this responsibility, employees of the  
9 state.

10 **Sec. 11.** RCW 41.56.030 and 2010 c 296 s 3 are each reenacted and  
11 amended to read as follows:

12 As used in this chapter:

13 (1) "Adult family home provider" means a provider as defined in RCW  
14 70.128.010 who receives payments from the medicaid and state-funded  
15 long-term care programs.

16 (2) "Bargaining representative" means any lawful organization which  
17 has as one of its primary purposes the representation of employees in  
18 their employment relations with employers.

19 (3) "Child care subsidy" means a payment from the state through a  
20 child care subsidy program established pursuant to RCW 74.12.340 or  
21 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor  
22 program.

23 (4) "Collective bargaining" means the performance of the mutual  
24 obligations of the public employer and the exclusive bargaining  
25 representative to meet at reasonable times, to confer and negotiate in  
26 good faith, and to execute a written agreement with respect to  
27 grievance procedures and collective negotiations on personnel matters,  
28 including wages, hours and working conditions, which may be peculiar to  
29 an appropriate bargaining unit of such public employer, except that by  
30 such obligation neither party shall be compelled to agree to a proposal  
31 or be required to make a concession unless otherwise provided in this  
32 chapter.

33 (5) "Commission" means the public employment relations commission.

34 (6) "Executive director" means the executive director of the  
35 commission.

36 (7) "Family child care provider" means a person who: (a) Provides  
37 regularly scheduled care for a child or children in the home of the



1 provider or in the home of the child or children for periods of less  
2 than twenty-four hours or, if necessary due to the nature of the  
3 parent's work, for periods equal to or greater than twenty-four hours;  
4 (b) receives child care subsidies; and (c) is either licensed by the  
5 state under RCW 74.15.030 or is exempt from licensing under chapter  
6 74.15 RCW.

7 ~~(8) ("Home care quality authority" means the authority under~~  
8 ~~chapter 74.39A RCW.~~

9 ~~(9))~~ "Individual provider" means an individual provider as defined  
10 in RCW 74.39A.240(4) who, solely for the purposes of collective  
11 bargaining, is a public employee as provided in RCW 74.39A.270.

12 ~~((10))~~ (9) "Institution of higher education" means the University  
13 of Washington, Washington State University, Central Washington  
14 University, Eastern Washington University, Western Washington  
15 University, The Evergreen State College, and the various state  
16 community colleges.

17 ~~((11))~~ (10)(a) "Language access provider" means any independent  
18 contractor who provides spoken language interpreter services for  
19 department of social and health services appointments or medicaid  
20 enrollee appointments, or provided these services on or after January  
21 1, 2009, and before June 10, 2010, whether paid by a broker, language  
22 access agency, or the department.

23 (b) "Language access provider" does not mean an owner, manager, or  
24 employee of a broker or a language access agency.

25 ~~((12))~~ (11) "Public employee" means any employee of a public  
26 employer except any person (a) elected by popular vote, or (b)  
27 appointed to office pursuant to statute, ordinance or resolution for a  
28 specified term of office as a member of a multimember board,  
29 commission, or committee, whether appointed by the executive head or  
30 body of the public employer, or (c) whose duties as deputy,  
31 administrative assistant or secretary necessarily imply a confidential  
32 relationship to (i) the executive head or body of the applicable  
33 bargaining unit, or (ii) any person elected by popular vote, or (iii)  
34 any person appointed to office pursuant to statute, ordinance or  
35 resolution for a specified term of office as a member of a multimember  
36 board, commission, or committee, whether appointed by the executive  
37 head or body of the public employer, or (d) who is a court commissioner  
38 or a court magistrate of superior court, district court, or a

1 department of a district court organized under chapter 3.46 RCW, or (e)  
2 who is a personal assistant to a district court judge, superior court  
3 judge, or court commissioner. For the purpose of (e) of this  
4 subsection, no more than one assistant for each judge or commissioner  
5 may be excluded from a bargaining unit.

6 ~~((+13+))~~ (12) "Public employer" means any officer, board,  
7 commission, council, or other person or body acting on behalf of any  
8 public body governed by this chapter, or any subdivision of such public  
9 body. For the purposes of this section, the public employer of  
10 district court or superior court employees for wage-related matters is  
11 the respective county legislative authority, or person or body acting  
12 on behalf of the legislative authority, and the public employer for  
13 nonwage-related matters is the judge or judge's designee of the  
14 respective district court or superior court.

15 ~~((+14+))~~ (13) "Uniformed personnel" means: (a) Law enforcement  
16 officers as defined in RCW 41.26.030 employed by the governing body of  
17 any city or town with a population of two thousand five hundred or more  
18 and law enforcement officers employed by the governing body of any  
19 county with a population of ten thousand or more; (b) correctional  
20 employees who are uniformed and nonuniformed, commissioned and  
21 noncommissioned security personnel employed in a jail as defined in RCW  
22 70.48.020(9), by a county with a population of seventy thousand or  
23 more, and who are trained for and charged with the responsibility of  
24 controlling and maintaining custody of inmates in the jail and  
25 safeguarding inmates from other inmates; (c) general authority  
26 Washington peace officers as defined in RCW 10.93.020 employed by a  
27 port district in a county with a population of one million or more; (d)  
28 security forces established under RCW 43.52.520; (e) firefighters as  
29 that term is defined in RCW 41.26.030; (f) employees of a port district  
30 in a county with a population of one million or more whose duties  
31 include crash fire rescue or other firefighting duties; (g) employees  
32 of fire departments of public employers who dispatch exclusively either  
33 fire or emergency medical services, or both; or (h) employees in the  
34 several classes of advanced life support technicians, as defined in RCW  
35 18.71.200, who are employed by a public employer.

36 **Sec. 12.** RCW 43.105.340 and 2008 c 151 s 2 are each amended to  
37 read as follows:

1 (1) The department shall coordinate among state agencies to develop  
2 a consumer protection web site. The web site shall serve as a one-stop  
3 web site for consumer information. At a minimum, the web site must  
4 provide links to information on:

5 (a) Insurance information provided by the office of the insurance  
6 commissioner, including information on how to file consumer complaints  
7 against insurance companies, how to look up authorized insurers, and  
8 how to learn more about health insurance benefits;

9 (b) Child care information provided by the department of early  
10 learning, including how to select a child care provider, how child care  
11 providers are rated, and information about product recalls;

12 (c) Financial information provided by the department of financial  
13 institutions, including consumer information on financial fraud,  
14 investing, credit, and enforcement actions;

15 (d) Health care information provided by the department of health,  
16 including health care provider listings and quality assurance  
17 information;

18 (e) Home care information provided by the (~~home care quality~~  
19 ~~authority~~) department, including information to assist consumers in  
20 finding an in-home provider;

21 (f) Licensing information provided by the department of licensing,  
22 including information regarding business, vehicle, and professional  
23 licensing; and

24 (g) Other information available on existing state agency web sites  
25 that could be a helpful resource for consumers.

26 (2) By July 1, 2008, state agencies shall report to the department  
27 on whether they maintain resources for consumers that could be made  
28 available through the consumer protection web site.

29 (3) By September 1, 2008, the department shall make the consumer  
30 protection web site available to the public.

31 (4) After September 1, 2008, the department, in coordination with  
32 other state agencies, shall develop a plan on how to build upon the  
33 consumer protection web site to create a consumer protection portal.  
34 The plan must also include an examination of the feasibility of  
35 developing a toll-free information line to support the consumer  
36 protection portal. The plan must be submitted to the governor and the  
37 appropriate committees of the legislature by December 1, 2008.

1                   **Horse Racing Commission--Reducing Commission Members**

2           **Sec. 13.** RCW 67.16.012 and 1998 c 345 s 4 are each amended to read  
3 as follows:

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

23                   **Migratory Waterfowl Art Committee**

24           NEW SECTION.   **Sec. 14.** RCW 77.12.680 (Migratory waterfowl art  
25 committee--Membership--Terms--Vacancies--Chairman--Review           of  
26 expenditures--Compensation) and 1987 c 506 s 54 & 1985 c 243 s 5 are  
27 each repealed.

28           **Sec. 15.** RCW 77.12.670 and 2002 c 283 s 2 are each amended to read  
29 as follows:

30           (1) ((The)) Beginning July 1, 2011, the department, after  
31 soliciting recommendations from the public, shall select the design for  
32 the migratory bird stamp ((to be produced by the department shall use  
33 the design as provided by the migratory waterfowl art committee)).

1           (2) All revenue derived from the sale of migratory bird license  
2     validations or stamps by the department to any person hunting waterfowl  
3     or to any stamp collector shall be deposited in the state wildlife  
4     (~~fund~~) account and shall be used only for that portion of the cost of  
5     printing and production of the stamps for migratory waterfowl hunters  
6     as determined by subsection (4) of this section, and for those  
7     migratory waterfowl projects specified by the director of the  
8     department for the acquisition and development of migratory waterfowl  
9     habitat in the state and for the enhancement, protection, and  
10    propagation of migratory waterfowl in the state. Migratory bird  
11    license validation and stamp funds may not be used on lands controlled  
12    by private hunting clubs or on private lands that charge a fee for  
13    public access. Migratory bird license validation and stamp funds may  
14    be used for migratory waterfowl projects on private land where public  
15    hunting is provided by written permission or on areas established by  
16    the department as waterfowl hunting closures.

17           (3) All revenue derived from the sale of the license validation and  
18    stamp by the department to persons hunting solely nonwaterfowl  
19    migratory birds shall be deposited in the state wildlife (~~fund~~)  
20    account and shall be used only for that portion of the cost of printing  
21    and production of the stamps for nonwaterfowl migratory bird hunters as  
22    determined by subsection (4) of this section, and for those  
23    nonwaterfowl migratory bird projects specified by the director for the  
24    acquisition and development of nonwaterfowl migratory bird habitat in  
25    the state and for the enhancement, protection, and propagation of  
26    nonwaterfowl migratory birds in the state.

27           (4) With regard to the revenue from license validation and stamp  
28    sales that is not the result of sales to stamp collectors, the  
29    department shall determine the proportion of migratory waterfowl  
30    hunters and solely nonwaterfowl migratory bird hunters by using the  
31    yearly migratory bird hunter harvest information program survey results  
32    or, in the event that these results are not available, other similar  
33    survey results. A two-year average of the most recent survey results  
34    shall be used to determine the proportion of the revenue attributed to  
35    migratory waterfowl hunters and the proportion attributed to solely  
36    nonwaterfowl migratory bird hunters for each fiscal year. For fiscal  
37    year 1998-99 and for fiscal year 1999-2000, ninety-six percent of the

1 stamp revenue shall be attributed to migratory waterfowl hunters and  
2 four percent of the stamp revenue shall be attributed to solely  
3 nonwaterfowl migratory game hunters.

4 (5) Acquisition shall include but not be limited to the acceptance  
5 of gifts of real estate or any interest therein or the rental, lease,  
6 or purchase of real estate or any interest therein. If the department  
7 acquires any fee interest, leasehold, or rental interest in real  
8 property under this section, it shall allow the general public  
9 reasonable access to that property and shall, if appropriate, ensure  
10 that the deed or other instrument creating the interest allows such  
11 access to the general public. If the department obtains a covenant in  
12 real property in its favor or an easement or any other interest in real  
13 property under this section, it shall exercise its best efforts to  
14 ensure that the deed or other instrument creating the interest grants  
15 to the general public in the form of a covenant running with the land  
16 reasonable access to the property. The private landowner from whom the  
17 department obtains such a covenant or easement shall retain the right  
18 of granting access to the lands by written permission, but may not  
19 charge a fee for access.

20 (6) The department may produce migratory bird stamps in any given  
21 year in excess of those necessary for sale in that year. The excess  
22 stamps may be sold to the (~~migratory waterfowl art committee for sale~~  
23 ~~to the~~) public.

24 **Sec. 16.** RCW 77.12.690 and 2009 c 333 s 38 are each amended to  
25 read as follows:

26 (1) The (~~migratory waterfowl art committee~~) director is  
27 responsible for the selection of the annual migratory bird stamp design  
28 (~~and shall provide the design to the department. If the committee~~  
29 ~~does not perform this duty within the time frame necessary to achieve~~  
30 ~~proper and timely distribution of the stamps to license dealers, the~~  
31 ~~director shall initiate the art work selection for that year~~). The  
32 (~~committee~~) department shall create collector art prints and related  
33 artwork, utilizing the same design (~~as provided to the department~~).  
34 The administration, sale, distribution, and other matters relating to  
35 the prints and sales of stamps with prints and related artwork shall be  
36 the responsibility of the (~~migratory waterfowl art committee~~)  
37 department.

1       (2) The total amount brought in from the sale of prints and related  
2 artwork shall be deposited in the state wildlife account created in RCW  
3 77.12.170. The costs of producing and marketing of prints and related  
4 artwork(~~(, including administrative expenses mutually agreed upon by~~  
5 ~~the committee and the director,)) shall be paid out of the total amount  
6 brought in from sales of those same items. Net funds derived from the  
7 sale of prints and related artwork shall be used by the director to  
8 contract with one or more appropriate individuals or nonprofit  
9 organizations for the development of waterfowl propagation projects  
10 within Washington which specifically provide waterfowl for the Pacific  
11 flyway. The department shall not contract with any individual or  
12 organization that obtains compensation for allowing waterfowl hunting  
13 except if the individual or organization does not permit hunting for  
14 compensation on the subject property.~~

15       (~~The migratory waterfowl art committee shall have an annual audit~~  
16 ~~of its finances conducted by the state auditor and shall furnish a copy~~  
17 ~~of the audit to the commission.))~~

18       **Sec. 17.** RCW 77.08.045 and 1998 c 191 s 31 are each amended to  
19 read as follows:

20       As used in this title or rules adopted pursuant to this title:

21       (1) "Migratory waterfowl" means members of the family Anatidae,  
22 including brants, ducks, geese, and swans;

23       (2) "Migratory bird" means migratory waterfowl and coots, snipe,  
24 doves, and band-tailed pigeon;

25       (3) "Migratory bird stamp" means the stamp that is required by RCW  
26 77.32.350 to be in the possession of all persons to hunt migratory  
27 birds; and

28       (4) "Prints and artwork" means replicas of the original stamp  
29 design that are sold to the general public. Prints and artwork are not  
30 to be construed to be the migratory bird stamp that is required by RCW  
31 77.32.350. Artwork may be any facsimile of the original stamp design,  
32 including color renditions, metal duplications, or any other kind of  
33 design(~~(; and~~

34       ~~(5) "Migratory waterfowl art committee" means the committee created~~  
35 ~~by RCW 77.12.680. The committee's primary function is to select the~~  
36 ~~annual migratory bird stamp design)).~~

1 **Performance Agreement Committee**

2 NEW SECTION. **Sec. 18.** RCW 28B.10.922 (Performance agreements--  
3 State committee--Development of final proposals--Implementation--  
4 Updates) and 2008 c 160 s 4 are each repealed.

5 **Salmon Stamp Selection Committee**

6 NEW SECTION. **Sec. 19.** RCW 77.12.856 (Salmon stamp selection  
7 committee--Creation) and 1999 c 342 s 5 are each repealed.

8 **Sec. 20.** RCW 77.12.850 and 1999 c 342 s 2 are each amended to read  
9 as follows:

10 The definitions in this section apply throughout RCW 77.12.850  
11 through 77.12.860 unless the context clearly requires otherwise.

12 (1) "Salmon" means all species of the genus *Oncorhynchus*, except  
13 those classified as game fish in this title, and includes:

Scientific Name	Common Name
<i>Oncorhynchus tshawytscha</i>	Chinook salmon
<i>Oncorhynchus kisutch</i>	Coho salmon
<i>Oncorhynchus keta</i>	Chum salmon
<i>Oncorhynchus gorbuscha</i>	Pink salmon
<i>Oncorhynchus nerka</i>	Sockeye salmon

20 (2) "Department" means the department of fish and wildlife.

21 (3) (~~("Committee" means the salmon stamp selection committee  
22 created in RCW 77.12.856.~~

23 ~~(4))~~) "Stamp" means the stamp created under the Washington salmon  
24 stamp program and the Washington junior salmon stamp program, created  
25 in RCW 77.12.850 through 77.12.860.

26 **State Advisory Board of Plumbers**

27 **Sec. 21.** RCW 18.106.110 and 2006 c 185 s 4 are each amended to  
28 read as follows:



1 (1) There is created a state advisory board of plumbers, to be  
2 composed of seven members appointed by the (~~governor~~) director. Two  
3 members shall be journeyman plumbers, one member shall be a specialty  
4 plumber, three members shall be persons conducting a plumbing business,  
5 at least one of which shall be primarily engaged in a specialty  
6 plumbing business, and one member from the general public who is  
7 familiar with the business and trade of plumbing.

8 (2) The term of one journeyman plumber expires July 1, 1995; the  
9 term of the second journeyman plumber expires July 1, 2000; the term of  
10 the specialty plumber expires July 1, 2008; the term of one person  
11 conducting a plumbing business expires July 1, 1996; the term of the  
12 second person conducting a plumbing business expires July 1, 2000; the  
13 term of the third person conducting a plumbing business expires July 1,  
14 2007; and the term of the public member expires July 1, 1997.  
15 Thereafter, upon the expiration of said terms, the (~~governor~~)  
16 director shall appoint a new member to serve for a period of three  
17 years. However, to ensure that the board can continue to act, a member  
18 whose term expires shall continue to serve until his or her replacement  
19 is appointed. In the case of any vacancy on the board for any reason,  
20 the (~~governor~~) director shall appoint a new member to serve out the  
21 term of the person whose position has become vacant.

22 (3) The advisory board shall carry out all the functions and duties  
23 enumerated in this chapter, as well as generally advise the department  
24 on all matters relative to this chapter.

25 (4) Each member of the advisory board shall receive travel expenses  
26 in accordance with the provisions of RCW 43.03.050 and 43.03.060 as now  
27 existing or hereafter amended for each day in which such member is  
28 actually engaged in attendance upon the meetings of the advisory board.

29 **Sec. 22.** RCW 49.04.010 and 2001 c 204 s 1 are each amended to read  
30 as follows:

31 (1) The director of labor and industries shall appoint an  
32 apprenticeship council, composed of three representatives each from  
33 employer and employee organizations, respectively. The terms of office  
34 of the members of the apprenticeship council first appointed by the  
35 director of labor and industries shall be as follows: One  
36 representative each of employers and employees shall be appointed for  
37 one year, two years, and three years, respectively. Thereafter, each

1 member shall be appointed for a term of three years. The ((governor))  
2 director of labor and industries shall also appoint a public member to  
3 the apprenticeship council for a three-year term. ((The appointment of  
4 the public member is subject to confirmation by the senate.)) Each  
5 member shall hold office until a successor is appointed and has  
6 qualified and any vacancy shall be filled by appointment for the  
7 unexpired portion of the term. A designated representative from each  
8 of the following: The workforce training and education coordinating  
9 board, state board for community and technical colleges, employment  
10 security department, and United States department of labor,  
11 apprenticeship, training, employer, and labor services, shall be ex  
12 officio members of the apprenticeship council. Ex officio members  
13 shall have no vote. Each member of the council, not otherwise  
14 compensated by public moneys, shall be reimbursed for travel expenses  
15 in accordance with RCW 43.03.050 and 43.03.060 and shall be compensated  
16 in accordance with RCW 43.03.240.

17 (2) The apprenticeship council is authorized to approve  
18 apprenticeship programs, and establish apprenticeship program standards  
19 as rules, including requirements for apprentice-related and  
20 supplemental instruction, coordination of instruction with job  
21 experiences, and instructor qualifications. The council shall consider  
22 recommendations from the state board for community and technical  
23 colleges on matters of apprentice-related and supplemental instruction,  
24 coordination of instruction with job experiences, and instructor  
25 qualifications. The rules for apprenticeship instructor qualifications  
26 shall either be by reference or reasonably similar to the applicable  
27 requirements established by or pursuant to chapter 28B.50 RCW. The  
28 council is further authorized to issue such rules as may be necessary  
29 to carry out the intent and purposes of this chapter, including a  
30 procedure to resolve an impasse should a tie vote of the council occur,  
31 and perform such other duties as are hereinafter imposed.

32 (3) Not less than once a year the apprenticeship council shall make  
33 a report to the director of labor and industries of its activities and  
34 findings which shall be available to the public.

35 **Boundary Review Board**

1       **Sec. 23.** RCW 36.93.051 and 1991 c 363 s 93 are each amended to  
2 read as follows:

3       The boundary review board in each county with a population of one  
4 million or more shall consist of eleven members chosen as follows:

5       (1) (~~Three persons shall be appointed by the governor;~~  
6       ~~(2) Three~~) Four persons shall be appointed by the county  
7 appointing authority;

8       (~~(3) Three~~) (2) Four persons shall be appointed by the mayors of  
9 the cities and towns located within the county; and

10       (~~(4) Two~~) (3) Three persons shall be appointed by the board from  
11 nominees of special districts in the county.

12       The governor shall designate one initial appointee to serve a term  
13 of two years, and two initial appointees to serve terms of four years,  
14 if the appointments are made in an odd-numbered year, or one initial  
15 appointee to serve a term of one year, and two initial appointees to  
16 serve terms of three years, if the appointments are made in an even-  
17 numbered year, with the length of the term being calculated from the  
18 first day of February in the year the appointment was made.

19       The county appointing authority shall designate one of its initial  
20 appointees to serve a term of two years, and two of its initial  
21 appointees to serve terms of four years, if the appointments are made  
22 in an odd-numbered year, or one of its initial appointees to serve a  
23 term of one year, and two of its initial appointees to serve terms of  
24 three years, if the appointments are made in an even-numbered year,  
25 with the length of the term being calculated from the first day of  
26 February in the year the appointment was made.

27       The mayors making the initial city and town appointments shall  
28 designate two of their initial appointees to serve terms of two years,  
29 and one of their initial appointees to serve a term of four years, if  
30 the appointments are made in an odd-numbered year, or two of their  
31 initial appointees to serve terms of one year, and one of their initial  
32 appointees to serve a term of three years, if the appointments are made  
33 in an even-numbered year, with the length of the term being calculated  
34 from the first day of February in the year the appointment was made.

35       The board shall make two initial appointments from the nominees of  
36 special districts, with one appointee serving a term of four years and  
37 one initial appointee serving a term of two years, if the appointments  
38 are made in an odd-numbered year, or one initial appointee serving a

1 term of three years and one initial appointee serving a term of one  
2 year if the appointments are made in an even-numbered year, with the  
3 length of the term being calculated from the first day of March in the  
4 year in which the appointment is made.

5 After the initial appointments, all appointees shall serve four-  
6 year terms.

7 No appointee may be an official or employee of the county or a  
8 governmental unit in the county, or a consultant or advisor on a  
9 contractual or regular retained basis of the county, any governmental  
10 unit in the county, or any agency or association thereof.

11 **Commission on Pesticide Registration**

12 **Sec. 24.** RCW 15.92.090 and 1999 c 247 s 1 are each amended to read  
13 as follows:

14 (1) A commission on pesticide registration is established. The  
15 commission shall be composed of twelve voting members appointed by the  
16 ((governor)) director as follows:

17 (a) Eight members from the following segments of the state's  
18 agricultural industry as nominated by a statewide private agricultural  
19 association or agricultural commodity commission formed under Title 15  
20 RCW: (i) The tree fruit industry; (ii) hop growers; (iii) potato  
21 growers; (iv) wheat growers; (v) vegetable and seed growers; (vi) berry  
22 growers; (vii) wine grape growers; and (viii) the nursery and landscape  
23 industry. Although members are appointed from various segments of the  
24 agriculture industry, they are appointed to represent and advance the  
25 interests of the industry as a whole.

26 (b) One member from each of the following: (i) Forest protection  
27 industry; (ii) food processors; (iii) agricultural chemical industry;  
28 and (iv) professional pesticide applicators. One member shall be  
29 appointed for each such segment of the industry and shall be nominated  
30 by a statewide, private association of that segment of the industry.  
31 The representative of the agricultural chemical industry shall be  
32 involved in the manufacture of agricultural crop protection products.

33 The following shall be ex officio, nonvoting members of the  
34 commission: The coordinator of the interregional project number four  
35 at Washington State University; the director of the department of

1 ecology or the director's designee; the director of the department of  
2 agriculture or the director's designee; the director of the department  
3 of labor and industries or the director's designee; and the secretary  
4 of the department of health or the secretary's designee.

5 (2) Each voting member of the commission shall serve a term of  
6 three years. (~~However, the first appointments in the first year shall~~  
7 ~~be made by the governor for one, two, and three year terms so that, in~~  
8 ~~subsequent years, approximately one third of the voting members shall~~  
9 ~~be appointed each year. The governor shall assign the initial one,~~  
10 ~~two, and three year terms to members by lot.)) A vacancy shall be  
11 filled by appointment for the unexpired term in the same manner  
12 provided for an appointment to the full term. No member of the  
13 commission may be removed by the (~~governor~~) director during his or  
14 her term of office unless for cause of incapacity, incompetence,  
15 neglect of duty, or malfeasance in office. Each member of the  
16 commission shall receive travel expenses in accordance with RCW  
17 43.03.050 and 43.03.060 for attending meetings of the commission and  
18 for performing special duties, in the way of official commission  
19 business, specifically assigned to the person by the commission. The  
20 voting members of the commission serve without compensation from the  
21 state other than such travel expenses.~~

22 (3) (~~Nominations for the initial appointments to the commission~~  
23 ~~under subsection (1) of this section shall be submitted by September 1,~~  
24 ~~1995. The governor shall make initial appointments to the commission~~  
25 ~~by October 15, 1995.~~

26 (~~4~~)) The commission shall elect a chair from among its voting  
27 members each calendar year. After its original organizational meeting,  
28 the commission shall meet at the call of the chair. A majority of the  
29 voting members of the commission constitutes a quorum and an official  
30 action of the commission may be taken by a majority vote of the quorum.

### 31 **Community Economic Revitalization Board**

32 **Sec. 25.** RCW 43.160.030 and 2008 c 327 s 3 are each amended to  
33 read as follows:

34 (1) The community economic revitalization board is hereby created  
35 to exercise the powers granted under this chapter.

1 (2) The board shall consist of one member from each of the two  
2 major caucuses of the house of representatives to be appointed by the  
3 speaker of the house and one member from each of the two major caucuses  
4 of the senate to be appointed by the president of the senate. The  
5 board shall also consist of the following members appointed by the  
6 ((~~governor~~)) director of commerce: A recognized private or public  
7 sector economist; one port district official; one county official; one  
8 city official; one representative of a federally recognized Indian  
9 tribe; one representative of the public; one representative of small  
10 businesses each from: (a) The area west of Puget Sound, (b) the area  
11 east of Puget Sound and west of the Cascade range, (c) the area east of  
12 the Cascade range and west of the Columbia river, and (d) the area east  
13 of the Columbia river; one executive from large businesses each from  
14 the area west of the Cascades and the area east of the Cascades. The  
15 appointive members shall initially be appointed to terms as follows:  
16 Three members for one-year terms, three members for two-year terms, and  
17 three members for three-year terms which shall include the chair.  
18 Thereafter each succeeding term shall be for three years. The chair of  
19 the board shall be selected by the ((~~governor~~)) director of commerce.  
20 The members of the board shall elect one of their members to serve as  
21 vice-chair. The director of ((~~community, trade, and economic~~  
22 ~~development~~)) commerce, the director of revenue, the commissioner of  
23 employment security, and the secretary of transportation shall serve as  
24 nonvoting advisory members of the board.

25 (3) Management services, including fiscal and contract services,  
26 shall be provided by the department to assist the board in implementing  
27 this chapter.

28 (4) Members of the board shall be reimbursed for travel expenses as  
29 provided in RCW 43.03.050 and 43.03.060.

30 (5) If a vacancy occurs by death, resignation, or otherwise of  
31 appointive members of the board, the ((~~governor~~)) director of commerce  
32 shall fill the same for the unexpired term. Members of the board may  
33 be removed for malfeasance or misfeasance in office, upon specific  
34 written charges by the ((~~governor~~)) director of commerce, under chapter  
35 34.05 RCW.

36 (6) A member appointed by the ((~~governor~~)) director of commerce may  
37 not be absent from more than fifty percent of the regularly scheduled

1 meetings in any one calendar year. Any member who exceeds this absence  
2 limitation is deemed to have withdrawn from the office and may be  
3 replaced by the ((governor)) director of commerce.

4 (7) A majority of members currently appointed constitutes a quorum.

5 **Commute Trip Reduction Board**

6 **Sec. 26.** RCW 70.94.537 and 2006 c 329 s 7 are each amended to read  
7 as follows:

8 (1) A sixteen member state commute trip reduction board is  
9 established as follows:

10 (a) The secretary of ((~~the department of~~)) transportation or the  
11 secretary's designee who shall serve as chair;

12 (b) One representative from the office of ((~~the governor or the~~  
13 ~~governor's designee~~)) financial management;

14 (c) The director or the director's designee of one of the following  
15 agencies, to be determined by the ((governor)) secretary of  
16 transportation:

- 17 (i) Department of general administration;
- 18 (ii) Department of ecology;
- 19 (iii) Department of ((~~community, trade, and economic development~~))  
20 commerce;

21 (d) Three representatives from cities and towns or counties  
22 appointed by the ((governor)) secretary of transportation for staggered  
23 four-year terms from a list recommended by the association of  
24 Washington cities or the Washington state association of counties;

25 (e) Two representatives from transit agencies appointed by the  
26 ((governor)) secretary of transportation for staggered four-year terms  
27 from a list recommended by the Washington state transit association;

28 (f) Two representatives from participating regional transportation  
29 planning organizations appointed by the ((governor)) secretary of  
30 transportation for staggered four-year terms;

31 (g) Four representatives of employers at or owners of major  
32 worksites in Washington, or transportation management associations,  
33 business improvement areas, or other transportation organizations  
34 representing employers, appointed by the ((governor)) secretary of  
35 transportation for staggered four-year terms; and

1 (h) Two citizens appointed by the ((governor)) secretary of  
2 transportation for staggered four-year terms.

3 Members of the commute trip reduction board shall serve without  
4 compensation but shall be reimbursed for travel expenses as provided in  
5 RCW 43.03.050 and 43.03.060. Members appointed by the ((governor))  
6 secretary of transportation shall be compensated in accordance with RCW  
7 43.03.220. The board has all powers necessary to carry out its duties  
8 as prescribed by this chapter.

9 (2) By March 1, 2007, the department of transportation shall  
10 establish rules for commute trip reduction plans and implementation  
11 procedures. The commute trip reduction board shall advise the  
12 department on the content of the rules. The rules are intended to  
13 ensure consistency in commute trip reduction plans and goals among  
14 jurisdictions while fairly taking into account differences in  
15 employment and housing density, employer size, existing and anticipated  
16 levels of transit service, special employer circumstances, and other  
17 factors the board determines to be relevant. The rules shall include:

18 (a) Guidance criteria for growth and transportation efficiency  
19 centers;

20 (b) Data measurement methods and procedures for determining the  
21 efficacy of commute trip reduction activities and progress toward  
22 meeting commute trip reduction plan goals;

23 (c) Model commute trip reduction ordinances;

24 (d) Methods for assuring consistency in the treatment of employers  
25 who have worksites subject to the requirements of this chapter in more  
26 than one jurisdiction;

27 (e) An appeals process by which major employers, who as a result of  
28 special characteristics of their business or its locations would be  
29 unable to meet the requirements of a commute trip reduction plan, may  
30 obtain a waiver or modification of those requirements and criteria for  
31 determining eligibility for waiver or modification;

32 (f) Establishment of a process for determining the state's affected  
33 areas, including criteria and procedures for regional transportation  
34 planning organizations in consultation with local jurisdictions to  
35 propose to add or exempt urban growth areas;

36 (g) Listing of the affected areas of the program to be done every  
37 four years as identified in subsection (5) of this section;



1 (h) Establishment of a criteria and application process to  
2 determine whether jurisdictions that voluntarily implement commute trip  
3 reduction are eligible for state funding;

4 (i) Guidelines and deadlines for creating and updating local  
5 commute trip reduction plans, including guidance to ensure consistency  
6 between the local commute trip reduction plan and the transportation  
7 demand management strategies identified in the transportation element  
8 in the local comprehensive plan, as required by RCW 36.70A.070;

9 (j) Guidelines for creating and updating regional commute trip  
10 reduction plans, including guidance to ensure the regional commute trip  
11 reduction plan is consistent with and incorporated into transportation  
12 demand management components in the regional transportation plan;

13 (k) Methods for regional transportation planning organizations to  
14 evaluate and certify that designated growth and transportation  
15 efficiency center programs meet the minimum requirements and are  
16 eligible for funding;

17 (l) Guidelines for creating and updating growth and transportation  
18 efficiency center programs; and

19 (m) Establishment of statewide program goals. The goals shall be  
20 designed to achieve substantial reductions in the proportion of  
21 single-occupant vehicle commute trips and the commute trip vehicle  
22 miles traveled per employee, at a level that is projected to improve  
23 the mobility of people and goods by increasing the efficiency of the  
24 state highway system.

25 (3) The board shall create a state commute trip reduction plan that  
26 shall be updated every four years as discussed in subsection (5) of  
27 this section. The state commute trip reduction plan shall include, but  
28 is not limited to: (a) Statewide commute trip reduction program goals  
29 that are designed to substantially improve the mobility of people and  
30 goods; (b) identification of strategies at the state and regional  
31 levels to achieve the goals and recommendations for how transportation  
32 demand management strategies can be targeted most effectively to  
33 support commute trip reduction program goals; (c) performance measures  
34 for assessing the cost-effectiveness of commute trip reduction  
35 strategies and the benefits for the state transportation system; and  
36 (d) a sustainable financial plan. The board shall review and approve  
37 regional commute trip reduction plans, and work collaboratively with

1 regional transportation planning organizations in the establishment of  
2 the state commute trip reduction plan.

3 (4) The board shall work with affected jurisdictions, major  
4 employers, and other parties to develop and implement a public  
5 awareness campaign designed to increase the effectiveness of local  
6 commute trip reduction programs and support achievement of the  
7 objectives identified in this chapter.

8 (5) The board shall evaluate and update the commute trip reduction  
9 program plan and recommend changes to the rules every four years, with  
10 the first assessment report due July 1, 2011, to ensure that the latest  
11 data methodology used by the department of transportation is  
12 incorporated into the program and to determine which areas of the state  
13 should be affected by the program. The board shall review the  
14 definition of a major employer no later than December 1, 2009. The  
15 board shall regularly identify urban growth areas that are projected to  
16 be affected by chapter 329, Laws of 2006 in the next four-year period  
17 and may provide advance planning support to the potentially affected  
18 jurisdictions.

19 (6) The board shall review progress toward implementing commute  
20 trip reduction plans and programs and the costs and benefits of commute  
21 trip reduction plans and programs and shall make recommendations to the  
22 legislature and the governor by December 1, 2009, and every two years  
23 thereafter. In assessing the costs and benefits, the board shall  
24 consider the costs of not having implemented commute trip reduction  
25 plans and programs with the assistance of the transportation  
26 performance audit board authorized under chapter 44.75 RCW. The board  
27 shall examine other transportation demand management programs  
28 nationally and incorporate its findings into its recommendations to the  
29 legislature. The recommendations shall address the need for  
30 continuation, modification, or termination or any or all requirements  
31 of this chapter.

32 (7) The board shall invite personnel with appropriate expertise  
33 from state, regional, and local government, private, public, and  
34 nonprofit providers of transportation services, and employers or owners  
35 of major worksites in Washington to act as a technical advisory group.  
36 The technical advisory group shall advise the board on the  
37 implementation of local and regional commute trip reduction plans and

1 programs, program evaluation, program funding allocations, and state  
2 rules and guidelines.

3 **Sec. 27.** RCW 38.52.040 and 1995 c 269 s 1202 are each amended to  
4 read as follows:

5 (1) There is hereby created the emergency management council  
6 (hereinafter called the council), to consist of not more than seventeen  
7 members who shall be appointed by the (~~governor~~) adjutant general.  
8 The membership of the council shall include, but not be limited to,  
9 representatives of city and county governments, sheriffs and police  
10 chiefs, the Washington state patrol, the military department, the  
11 department of ecology, state and local fire chiefs, seismic safety  
12 experts, state and local emergency management directors, search and  
13 rescue volunteers, medical professions who have expertise in emergency  
14 medical care, building officials, and private industry. The  
15 representatives of private industry shall include persons knowledgeable  
16 in emergency and hazardous materials management. The council members  
17 shall elect a chairman from within the council membership. The members  
18 of the council shall serve without compensation, but may be reimbursed  
19 for their travel expenses incurred in the performance of their duties  
20 in accordance with RCW 43.03.050 and 43.03.060 as now existing or  
21 hereafter amended.

22 (2) The emergency management council shall advise the governor and  
23 the director on all matters pertaining to state and local emergency  
24 management. The council may appoint such ad hoc committees,  
25 subcommittees, and working groups as are required to develop specific  
26 recommendations for the improvement of emergency management practices,  
27 standards, policies, or procedures. The council shall ensure that the  
28 governor receives an annual assessment of statewide emergency  
29 preparedness including, but not limited to, specific progress on hazard  
30 mitigation and reduction efforts, implementation of seismic safety  
31 improvements, reduction of flood hazards, and coordination of hazardous  
32 materials planning and response activities. The council or a  
33 subcommittee thereof shall periodically convene in special session and  
34 serve during those sessions as the state emergency response commission  
35 required by P.L. 99-499, the emergency planning and community right-to-  
36 know act. When sitting in session as the state emergency response  
37 commission, the council shall confine its deliberations to those items

1 specified in federal statutes and state administrative rules governing  
2 the coordination of hazardous materials policy. The council shall  
3 review administrative rules governing state and local emergency  
4 management practices and recommend necessary revisions to the director.

5 **Emergency Medical Services and Trauma Care Steering Committee**

6 **Sec. 28.** RCW 70.168.020 and 2000 c 93 s 20 are each amended to  
7 read as follows:

8 (1) There is hereby created an emergency medical services and  
9 trauma care steering committee composed of representatives of  
10 individuals knowledgeable in emergency medical services and trauma  
11 care, including emergency medical providers such as physicians, nurses,  
12 hospital personnel, emergency medical technicians, paramedics,  
13 ambulance services, a member of the emergency medical services  
14 licensing and certification advisory committee, local government  
15 officials, state officials, consumers, and persons affiliated  
16 professionally with health science schools. The (~~governor~~) secretary  
17 shall appoint members of the steering committee. Members shall be  
18 appointed for a period of three years. The department shall provide  
19 administrative support to the committee. All appointive members of the  
20 committee, in the performance of their duties, may be entitled to  
21 receive travel expenses as provided in RCW 43.03.050 and 43.03.060.  
22 The (~~governor~~) secretary may remove members from the committee who  
23 have three unexcused absences from committee meetings. The  
24 (~~governor~~) secretary shall fill any vacancies of the committee in a  
25 timely manner. The terms of those members representing the same field  
26 shall not expire at the same time.

27 The committee shall elect a chair and a vice-chair whose terms of  
28 office shall be for one year each. The chair shall be ineligible for  
29 reelection after serving four consecutive terms.

30 The committee shall meet on call by the (~~governor~~) the  
31 secretary(~~7~~) or the chair.

32 (2) The emergency medical services and trauma care steering  
33 committee shall:

34 (a) Advise the department regarding emergency medical services and  
35 trauma care needs throughout the state.

1 (b) Review the regional emergency medical services and trauma care  
2 plans and recommend changes to the department before the department  
3 adopts the plans.

4 (c) Review proposed departmental rules for emergency medical  
5 services and trauma care.

6 (d) Recommend modifications in rules regarding emergency medical  
7 services and trauma care.

8 **Horse Racing Compact Committee**

9 **Sec. 29.** RCW 67.17.050 and 2001 c 18 s 6 are each amended to read  
10 as follows:

11 (1) There is created an interstate governmental entity to be known  
12 as the "compact committee" which shall be comprised of one official  
13 from the racing commission or its equivalent in each party state who  
14 shall be appointed, serve, and be subject to removal in accordance with  
15 the laws of the party state he or she represents. Under the laws of  
16 his or her party state, each official shall have the assistance of his  
17 or her state's racing commission or the equivalent thereof in  
18 considering issues related to licensing of participants in live racing  
19 and in fulfilling his or her responsibilities as the representative  
20 from his or her state to the compact committee. If an official is  
21 unable to perform any duty in connection with the powers and duties of  
22 the compact committee, the racing commission or equivalent thereof from  
23 his or her state shall designate another of its members as an alternate  
24 who shall serve in his or her place and represent the party state as  
25 its official on the compact committee until that racing commission or  
26 equivalent thereof determines that the original representative official  
27 is able once again to perform his or her duties as that party state's  
28 representative official on the compact committee. The designation of  
29 an alternate shall be communicated by the affected state's racing  
30 commission or equivalent thereof to the compact committee as the  
31 committee's bylaws may provide.

32 (2) The ((governor)) horse racing commission shall appoint the  
33 official to represent the state of Washington on the compact committee  
34 for a term of four years. No official may serve more than three

1 consecutive terms. A vacancy shall be filled by the ((governor)) horse  
2 racing commission for the unexpired term.

3 **Productivity Board**

4 **Sec. 30.** RCW 41.60.015 and 2000 c 139 s 1 are each amended to read  
5 as follows:

6 (1) There is hereby created the productivity board, which may also  
7 be known as the employee involvement and recognition board. The board  
8 shall administer the employee suggestion program and the teamwork  
9 incentive program under this chapter.

10 (2) The board shall be composed of:

11 (a) The secretary of state who shall act as chairperson;

12 (b) The director of personnel appointed under the provisions of RCW  
13 41.06.130 or the director's designee;

14 (c) The director of financial management or the director's  
15 designee;

16 (d) The director of general administration or the director's  
17 designee;

18 (e) Three persons with experience in administering incentives such  
19 as those used by industry, with the ((governor,)) lieutenant governor,  
20 secretary of state, and speaker of the house of representatives each  
21 appointing one person. The ((governor's)) secretary of state's  
22 appointee shall be a representative of an employee organization  
23 certified as an exclusive representative of at least one bargaining  
24 unit of classified employees; and

25 (f) Two persons representing state agencies and institutions with  
26 employees subject to chapter 41.06 RCW, and one person representing  
27 those subject to chapter 28B.16 RCW, both appointed by the ((governor;  
28 and

29 ~~(g) In addition, the governor and board chairperson may jointly~~  
30 ~~appoint persons to the board on an ad hoc basis. Ad hoc members shall~~  
31 ~~serve in an advisory capacity and shall not have the right to vote))~~  
32 secretary of state.

33 Members under subsection (2)(e) and (f) of this section shall be  
34 appointed to serve three-year terms.

1 Members of the board appointed pursuant to subsection (2)(e) of  
2 this section may be compensated in accordance with RCW 43.03.240. Any  
3 board member who is not a state employee may be reimbursed for travel  
4 expenses under RCW 43.03.050 and 43.03.060.

5 **State Council on Aging**

6 **Sec. 31.** RCW 43.20A.685 and 1981 c 151 s 2 are each amended to  
7 read as follows:

8 ~~(1) ((The initial members of the council shall be appointed by the~~  
9 ~~governor to staggered terms such that approximately one third of the~~  
10 ~~members serve terms of one year, one third serve terms of two years,~~  
11 ~~and one third serve terms of three years. Thereafter,))~~ Members of the  
12 council shall be appointed ~~((by the governor))~~ to terms of three years,  
13 except in the case of a vacancy, in which event appointment shall be  
14 for the remainder of the unexpired term for which the vacancy occurs.  
15 No member of the council may serve more than two consecutive three-year  
16 terms. Each area agency on aging advisory council shall appoint one  
17 member ~~((shall be appointed))~~ from ~~((each))~~ its state-designated  
18 planning and service area ~~((from a list of names transmitted by each~~  
19 ~~area agency on aging advisory council, such list including the names of~~  
20 ~~all persons nominated within the planning and service area together~~  
21 ~~with the area agency on aging advisory council's recommendations))~~.  
22 The governor shall appoint one additional member from names submitted  
23 by the association of Washington cities and one additional member from  
24 names submitted by the Washington state association of counties. In  
25 addition, the governor may appoint not more than five at large members,  
26 in order to ensure that rural areas (those areas outside of a standard  
27 metropolitan statistical area), minority populations, and those  
28 individuals with special skills which could assist the state council  
29 are represented. The members of the state council on aging shall  
30 elect, at the council's initial meeting and at the council's first  
31 meeting each year, one member to serve as chairperson of the council  
32 and another member to serve as secretary of the council.

33 (2) The speaker of the house of representatives and the president  
34 of the senate shall each appoint two nonvoting members to the council;  
35 one from each of the two largest caucuses in each house. The terms of

1 the members so appointed shall be for approximately two years and the  
2 terms shall expire before the first day of the legislative session in  
3 odd-numbered years. They shall be compensated by their respective  
4 houses as provided under RCW 44.04.120, as now or hereafter amended.

5 (3) With the exception of the members from the Washington state  
6 association of cities, the Washington state association of counties,  
7 and the nonvoting legislative members, all members of the council shall  
8 be at least fifty-five years old.

9 **Washington State Horse Park Commission**

10 **Sec. 32.** RCW 79A.30.030 and 2000 c 11 s 85 are each amended to  
11 read as follows:

12 (1) A nonprofit corporation may be formed under the nonprofit  
13 corporation provisions of chapter 24.03 RCW to carry out the purposes  
14 of this chapter. Except as provided in RCW 79A.30.040, the corporation  
15 shall have all the powers and be subject to the same restrictions as  
16 are permitted or prescribed to nonprofit corporations and shall  
17 exercise those powers only for carrying out the purposes of this  
18 chapter and those purposes necessarily implied therefrom. The  
19 nonprofit corporation shall be known as the Washington state horse park  
20 authority. The articles of incorporation shall provide that it is the  
21 responsibility of the authority to develop, promote, operate, manage,  
22 and maintain the Washington state horse park. The articles of  
23 incorporation shall provide for appointment of directors and other  
24 conduct of business consistent with the requirements of this chapter.

25 (2)(a) The articles of incorporation shall provide for a seven-  
26 member board of directors for the authority, all appointed by the  
27 ~~((governor))~~ commission. Board members shall serve three-year terms,  
28 except that two of the original appointees shall serve one-year terms,  
29 and two of the original appointees shall serve two-year terms. A board  
30 member may serve consecutive terms.

31 (b) The articles of incorporation shall provide that the  
32 ~~((governor))~~ commission appoint board members as follows:

33 (i) One board member shall represent the interests of the  
34 commission(~~(. In making this appointment, the governor shall solicit~~  
35 ~~recommendations from the commission))~~);



1 (ii) One board member shall represent the interests of the county  
2 in which the park is located. In making this appointment, the  
3 ((governor)) commission shall solicit recommendations from the county  
4 legislative authority; and

5 (iii) Five board members shall represent the geographic and sports  
6 discipline diversity of equestrian interests in the state, and at least  
7 one of these members shall have business experience relevant to the  
8 organization of horse shows or operation of a horse show facility. In  
9 making these appointments, the ((governor)) commission shall solicit  
10 recommendations from a variety of active horse-related organizations in  
11 the state.

12 (3) The articles of incorporation shall include a policy that  
13 provides for the preferential use of a specific area of the horse park  
14 facilities at nominal cost for horse groups associated with youth  
15 groups and ((the disabled)) individuals with disabilities.

16 (4) The ((governor)) commission shall make appointments to fill  
17 board vacancies for positions authorized under subsection (2) of this  
18 section, upon additional solicitation of recommendations from the board  
19 of directors.

20 (5) The board of directors shall perform their duties in the best  
21 interests of the authority, consistent with the standards applicable to  
22 directors of nonprofit corporations under RCW 24.03.127.

### 23 **Educational Opportunity Gap Oversight and Accountability Committee**

24 **Sec. 33.** RCW 28A.300.136 and 2010 c 235 s 901 are each amended to  
25 read as follows:

26 (1) An ((achievement)) educational opportunity gap oversight and  
27 accountability committee is created to synthesize the findings and  
28 recommendations from the 2008 achievement gap studies into an  
29 implementation plan, and to recommend policies and strategies to the  
30 superintendent of public instruction, the professional educator  
31 standards board, and the state board of education to close the  
32 achievement gap.

33 (2) The committee shall recommend specific policies and strategies  
34 in at least the following areas:

1 (a) Supporting and facilitating parent and community involvement  
2 and outreach;

3 (b) Enhancing the cultural competency of current and future  
4 educators and the cultural relevance of curriculum and instruction;

5 (c) Expanding pathways and strategies to prepare and recruit  
6 diverse teachers and administrators;

7 (d) Recommending current programs and resources that should be  
8 redirected to narrow the gap;

9 (e) Identifying data elements and systems needed to monitor  
10 progress in closing the gap;

11 (f) Making closing the achievement gap part of the school and  
12 school district improvement process; and

13 (g) Exploring innovative school models that have shown success in  
14 closing the achievement gap.

15 (3) Taking a multidisciplinary approach, the committee may seek  
16 input and advice from other state and local agencies and organizations  
17 with expertise in health, social services, gang and violence  
18 prevention, substance abuse prevention, and other issues that  
19 disproportionately affect student achievement and student success.

20 (4) The ((achievement)) educational opportunity gap oversight and  
21 accountability committee shall be composed of the following members:

22 (a) The chairs and ranking minority members of the house and senate  
23 education committees, or their designees;

24 (b) One additional member of the house of representatives appointed  
25 by the speaker of the house and one additional member of the senate  
26 appointed by the president of the senate;

27 (c) A representative of the office of the education ombudsman;

28 (d) A representative of the center for the improvement of student  
29 learning in the office of the superintendent of public instruction;

30 (e) A representative of federally recognized Indian tribes whose  
31 traditional lands and territories lie within the borders of Washington  
32 state, designated by the federally recognized tribes; and

33 (f) Four members appointed by the governor in consultation with the  
34 state ethnic commissions, who represent the following populations:  
35 African-Americans, Hispanic Americans, Asian Americans, and Pacific  
36 Islander Americans.

37 (5) The governor and the tribes are encouraged to designate members  
38 who have experience working in and with schools.

1 (6) The committee may convene ad hoc working groups to obtain  
2 additional input and participation from community members. Members of  
3 ad hoc working groups shall serve without compensation and shall not be  
4 reimbursed for travel or other expenses.

5 (7) The chair or cochairs of the committee shall be selected by the  
6 members of the committee. Staff support for the committee shall be  
7 provided by the center for the improvement of student learning.  
8 Members of the committee shall serve without compensation but must be  
9 reimbursed as provided in RCW 43.03.050 and 43.03.060. Legislative  
10 members of the committee shall be reimbursed for travel expenses in  
11 accordance with RCW 44.04.120.

12 (8) The superintendent of public instruction, the state board of  
13 education, the professional educator standards board, and the quality  
14 education council shall work collaboratively with the ((achievement))  
15 educational opportunity gap oversight and accountability committee to  
16 close the achievement gap.

#### 17 **Capitol Campus Design Advisory Committee**

18 **Sec. 34.** RCW 43.34.080 and 1990 c 93 s 1 are each amended to read  
19 as follows:

20 (1) The capitol campus design advisory committee is established as  
21 an advisory group to the capitol committee and the director of general  
22 administration to review programs, planning, design, and landscaping of  
23 state capitol facilities and grounds and to make recommendations that  
24 will contribute to the attainment of architectural, aesthetic,  
25 functional, and environmental excellence in design and maintenance of  
26 capitol facilities on campus and located in neighboring communities.

27 (2) The advisory committee shall consist of the following persons  
28 who shall be appointed by and serve at the pleasure of the ((governor))  
29 director of general administration:

- 30 (a) Two architects;
- 31 (b) A landscape architect; and
- 32 (c) An urban planner.

33 The ((governor)) director of general administration shall appoint  
34 the chair and vice chair and shall ((instruct the director of general

1 ~~administration to~~) provide the staff and resources necessary for  
2 implementing this section. The advisory committee shall meet at least  
3 once every ninety days and at the call of the chair.

4 The members of the committee shall be reimbursed as provided in RCW  
5 43.03.220 and 44.04.120.

6 (3) The advisory committee shall also consist of the secretary of  
7 state and two members of the house of representatives, one from each  
8 caucus, who shall be appointed by the speaker of the house of  
9 representatives, and two members of the senate, one from each caucus,  
10 who shall be appointed by the president of the senate.

11 (4) The advisory committee shall review plans and designs affecting  
12 state capitol facilities as they are developed. The advisory  
13 committee's review shall include:

14 (a) The process of solicitation and selection of appropriate  
15 professional design services including design-build proposals;

16 (b) Compliance with the capitol campus master plan and design  
17 concepts as adopted by the capitol committee;

18 (c) The design, siting, and grouping of state capitol facilities  
19 relative to the service needs of state government and the impact upon  
20 the local community's economy, environment, traffic patterns, and other  
21 factors;

22 (d) The relationship of overall state capitol facility planning to  
23 the respective comprehensive plans for long-range urban development of  
24 the cities of Olympia, Lacey, and Tumwater, and Thurston county; and

25 (e) Landscaping plans and designs, including planting proposals,  
26 street furniture, sculpture, monuments, and access to the capitol  
27 campus and buildings.

## 28 **Correctional Industries Board**

29 **Sec. 35.** RCW 72.09.070 and 2004 c 167 s 1 are each amended to read  
30 as follows:

31 ~~((+1))~~ There is created a correctional industries ~~((board of~~  
32 ~~directors))~~ advisory committee which shall have the composition  
33 provided in RCW 72.09.080. The advisory committee shall make  
34 recommendations to the secretary regarding the implementation of RCW  
35 72.09.100.

1           ~~((2) Consistent with general department of corrections policies~~  
2 ~~and procedures pertaining to the general administration of correctional~~  
3 ~~facilities, the board shall establish and implement policy for~~  
4 ~~correctional industries programs designed to:~~

5           ~~(a) Offer inmates meaningful employment, work experience, and~~  
6 ~~training in vocations that are specifically designed to reduce~~  
7 ~~recidivism and thereby enhance public safety by providing opportunities~~  
8 ~~for legitimate means of livelihood upon their release from custody;~~

9           ~~(b) Provide industries which will reduce the tax burden of~~  
10 ~~corrections and save taxpayers money through production of goods and~~  
11 ~~services for sale and use;~~

12           ~~(c) Operate correctional work programs in an effective and~~  
13 ~~efficient manner which are as similar as possible to those provided by~~  
14 ~~the private sector;~~

15           ~~(d) Encourage the development of and provide for selection of,~~  
16 ~~contracting for, and supervision of work programs with participating~~  
17 ~~private enterprise firms;~~

18           ~~(e) Develop and select correctional industries work programs that~~  
19 ~~do not unfairly compete with Washington businesses;~~

20           ~~(f) Invest available funds in correctional industries enterprises~~  
21 ~~and meaningful work programs that minimize the impact on in-state jobs~~  
22 ~~and businesses.~~

23           ~~(3) The board of directors shall at least annually review the work~~  
24 ~~performance of the director of correctional industries division with~~  
25 ~~the secretary.~~

26           ~~(4) The director of correctional industries division shall review~~  
27 ~~and evaluate the productivity, funding, and appropriateness of all~~  
28 ~~correctional work programs and report on their effectiveness to the~~  
29 ~~board and to the secretary.~~

30           ~~(5) The board of directors shall have the authority to identify and~~  
31 ~~establish trade advisory or apprenticeship committees to advise them on~~  
32 ~~correctional industries work programs. The secretary shall appoint the~~  
33 ~~members of the committees.~~

34           ~~Where a labor management trade advisory and apprenticeship~~  
35 ~~committee has already been established by the department pursuant to~~  
36 ~~RCW 72.62.050 the existing committee shall also advise the board of~~  
37 ~~directors.~~

1       ~~(6) The board shall develop a strategic yearly marketing plan that~~  
2 ~~shall be consistent with and work towards achieving the goals~~  
3 ~~established in the six year phased expansion of class I and class II~~  
4 ~~correctional industries established in RCW 72.09.111. This marketing~~  
5 ~~plan shall be presented to the appropriate committees of the~~  
6 ~~legislature by January 17 of each calendar year until the goals set~~  
7 ~~forth in RCW 72.09.111 are achieved.))~~

8       **Sec. 36.** RCW 72.09.090 and 1989 c 185 s 6 are each amended to read  
9 as follows:

10       The correctional industries account is established in the state  
11 treasury. The department of corrections shall deposit in the account  
12 all moneys collected and all profits that accrue from the industrial  
13 and agricultural operations of the department and any moneys  
14 appropriated to the account. Moneys in the account may be spent only  
15 for expenses arising in the correctional industries operations.

16       The division's net profits from correctional industries' sales and  
17 contracts shall be reinvested, without appropriation, in the expansion  
18 and improvement of correctional industries. However, the ~~((board of~~  
19 ~~directors))~~ secretary shall annually recommend that some portion of the  
20 profits from correctional industries be returned to the state general  
21 fund.

22       The ~~((board and))~~ secretary shall request appropriations or  
23 increased appropriations whenever it appears that additional money is  
24 needed to provide for the establishment and operation of a  
25 comprehensive correctional industries program.

26       **Sec. 37.** RCW 72.09.100 and 2005 c 346 s 1 are each amended to read  
27 as follows:

28       It is the intent of the legislature to vest in the department the  
29 power to provide for a comprehensive inmate work program and to remove  
30 statutory and other restrictions which have limited work programs in  
31 the past. It is also the intent of the legislature to ensure that the  
32 ~~((correctional industries board of directors))~~ department, in  
33 developing and selecting correctional industries work programs, does  
34 not encourage the development of, or provide for selection of or  
35 contracting for, or the significant expansion of, any new or existing  
36 class I correctional industries work programs that unfairly compete

1 with Washington businesses. The legislature intends that the  
2 requirements relating to fair competition in the correctional  
3 industries work programs be liberally construed by the (~~correctional~~  
4 ~~industries board of directors~~) department to protect Washington  
5 businesses from unfair competition. For purposes of establishing such  
6 a comprehensive program, the legislature recommends that the department  
7 consider adopting any or all, or any variation of, the following  
8 classes of work programs:

9 (1) CLASS I: FREE VENTURE INDUSTRIES.

10 (a) The employer model industries in this class shall be operated  
11 and managed in total or in part by any profit or nonprofit organization  
12 pursuant to an agreement between the organization and the department.  
13 The organization shall produce goods or services for sale to both the  
14 public and private sector.

15 (b) The customer model industries in this class shall be operated  
16 and managed by the department to provide Washington state manufacturers  
17 or businesses with products or services currently produced or provided  
18 by out-of-state or foreign suppliers.

19 (c) The (~~correctional industries board of directors~~) department  
20 shall review these proposed industries, including any potential new  
21 class I industries work program or the significant expansion of an  
22 existing class I industries work program, before the department  
23 contracts to provide such products or services. The review shall  
24 include the analysis required under RCW 72.09.115 to determine if the  
25 proposed correctional industries work program will compete with any  
26 Washington business. An agreement for a new class I correctional  
27 industries work program, or an agreement for a significant expansion of  
28 an existing class I correctional industries work program, that unfairly  
29 competes with any Washington business is prohibited.

30 (d) The department (~~of corrections~~) shall supply appropriate  
31 security and custody services without charge to the participating  
32 firms.

33 (e) Inmates who work in free venture industries shall do so at  
34 their own choice. They shall be paid a wage comparable to the wage  
35 paid for work of a similar nature in the locality in which the industry  
36 is located, as determined by the director of correctional industries.  
37 If the director cannot reasonably determine the comparable wage, then  
38 the pay shall not be less than the federal minimum wage.

1 (f) An inmate who is employed in the class I program of  
2 correctional industries shall not be eligible for unemployment  
3 compensation benefits pursuant to any of the provisions of Title 50 RCW  
4 until released on parole or discharged.

5 (2) CLASS II: TAX REDUCTION INDUSTRIES.

6 (a) Industries in this class shall be state-owned and operated  
7 enterprises designed primarily to reduce the costs for goods and  
8 services for tax-supported agencies and for nonprofit organizations.

9 (b)(i) The industries selected for development within this class  
10 shall, as much as possible, match the available pool of inmate work  
11 skills and aptitudes with the work opportunities in the free community.  
12 The industries shall be closely patterned after private sector  
13 industries but with the objective of reducing public support costs  
14 rather than making a profit.

15 (ii) The products and services of this industry, including  
16 purchased products and services necessary for a complete product line,  
17 may be sold to the following:

18 (A) Public agencies;

19 (B) Nonprofit organizations;

20 (C) Private contractors when the goods purchased will be ultimately  
21 used by a public agency or a nonprofit organization;

22 (D) An employee and immediate family members of an employee of the  
23 department (~~(of corrections)~~); and

24 (E) A person under the supervision of the department (~~(of~~  
25 ~~corrections)~~) and his or her immediate family members.

26 (iii) The (~~(correctional industries board of directors)~~) department  
27 shall authorize the type and quantity of items that may be purchased  
28 and sold under (b)(ii)(D) and (E) of this subsection.

29 (iv) It is prohibited to purchase any item purchased under  
30 (b)(ii)(D) and (E) of this subsection for the purpose of resale.

31 (v) Clothing manufactured by an industry in this class may be  
32 donated to nonprofit organizations that provide clothing free of charge  
33 to low-income persons.

34 (c)(i) Class II correctional industries products and services shall  
35 be reviewed by the (~~(correctional industries board of directors)~~)  
36 department before offering such products and services for sale to  
37 private contractors.



1           (ii) The (~~board of directors~~) secretary shall conduct a yearly  
2 marketing review of the products and services offered under this  
3 subsection. Such review shall include an analysis of the potential  
4 impact of the proposed products and services on the Washington state  
5 business community. To avoid waste or spoilage and consequent loss to  
6 the state, when there is no public sector market for such goods, by-  
7 products and surpluses of timber, agricultural, and animal husbandry  
8 enterprises may be sold to private persons, at private sale. Surplus  
9 by-products and surpluses of timber, agricultural and animal husbandry  
10 enterprises that cannot be sold to public agencies or to private  
11 persons may be donated to nonprofit organizations. All sales of  
12 surplus products shall be carried out in accordance with rules  
13 prescribed by the secretary.

14           (d) Security and custody services shall be provided without charge  
15 by the department (~~of corrections~~).

16           (e) Inmates working in this class of industries shall do so at  
17 their own choice and shall be paid for their work on a gratuity scale  
18 which shall not exceed the wage paid for work of a similar nature in  
19 the locality in which the industry is located and which is approved by  
20 the director of correctional industries.

21           (f) (~~Subject to approval of the correctional industries board,~~)  
22 Provisions of RCW 41.06.142 shall not apply to contracts with  
23 Washington state businesses entered into by the department (~~of~~  
24 ~~corrections~~) through class II industries.

25           (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

26           (a) Industries in this class shall be operated by the department  
27 (~~of corrections~~). They shall be designed and managed to accomplish  
28 the following objectives:

29           (i) Whenever possible, to provide basic work training and  
30 experience so that the inmate will be able to qualify for better work  
31 both within correctional industries and the free community. It is not  
32 intended that an inmate's work within this class of industries should  
33 be his or her final and total work experience as an inmate.

34           (ii) Whenever possible, to provide forty hours of work or work  
35 training per week.

36           (iii) Whenever possible, to offset tax and other public support  
37 costs.

1 (b) Class III correctional industries shall be reviewed by the  
2 (~~correctional industries board of directors~~) department to set policy  
3 for work crews. The department shall (~~present to the board of~~  
4 ~~directors~~) prepare quarterly detail statements showing where work  
5 crews worked, what correctional industry class, and the hours worked.  
6 (~~The board of directors may review any class III program at its~~  
7 ~~discretion.~~)

8 (c) Supervising, management, and custody staff shall be employees  
9 of the department.

10 (d) All able and eligible inmates who are assigned work and who are  
11 not working in other classes of industries shall work in this class.

12 (e) Except for inmates who work in work training programs, inmates  
13 in this class shall be paid for their work in accordance with an inmate  
14 gratuity scale. The scale shall be adopted by the secretary of  
15 corrections.

16 (4) CLASS IV: COMMUNITY WORK INDUSTRIES.

17 (a) Industries in this class shall be operated by the department  
18 (~~of corrections~~). They shall be designed and managed to provide  
19 services in the inmate's resident community at a reduced cost. The  
20 services shall be provided to public agencies, to persons who are poor  
21 or infirm, or to nonprofit organizations.

22 (b) Class IV correctional industries shall be reviewed by the  
23 (~~correctional industries board of directors~~) department to set policy  
24 for work crews. The department shall (~~present to the board of~~  
25 ~~directors~~) prepare quarterly detail statements showing where work  
26 crews worked, what correctional industry class, and the hours worked.  
27 (~~The board of directors may review any class IV program at its~~  
28 ~~discretion.~~) Class IV correctional industries operated in work camps  
29 established pursuant to RCW 72.64.050 are exempt from the requirements  
30 of this subsection (4)(b).

31 (c) Inmates in this program shall reside in facilities owned by,  
32 contracted for, or licensed by the department (~~of corrections~~). A  
33 unit of local government shall provide work supervision services  
34 without charge to the state and shall pay the inmate's wage.

35 (d) The department (~~of corrections~~) shall reimburse participating  
36 units of local government for liability and workers compensation  
37 insurance costs.

1 (e) Inmates who work in this class of industries shall do so at  
2 their own choice and shall receive a gratuity which shall not exceed  
3 the wage paid for work of a similar nature in the locality in which the  
4 industry is located.

5 (5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

6 (a) Programs in this class shall be subject to supervision by the  
7 department (~~(of corrections)~~). The purpose of this class of industries  
8 is to enable an inmate, placed on community supervision, to work off  
9 all or part of a community restitution order as ordered by the  
10 sentencing court.

11 (b) Employment shall be in a community restitution program operated  
12 by the state, local units of government, or a nonprofit agency.

13 (c) To the extent that funds are specifically made available for  
14 such purposes, the department (~~(of corrections)~~) shall reimburse  
15 nonprofit agencies for workers compensation insurance costs.

16 **Sec. 38.** RCW 72.09.015 and 2010 c 181 s 1 are each amended to read  
17 as follows:

18 The definitions in this section apply throughout this chapter.

19 (1) "Adult basic education" means education or instruction designed  
20 to achieve general competence of skills in reading, writing, and oral  
21 communication, including English as a second language and preparation  
22 and testing services for obtaining a high school diploma or a general  
23 equivalency diploma.

24 (2) "Base level of correctional services" means the minimum level  
25 of field services the department of corrections is required by statute  
26 to provide for the supervision and monitoring of offenders.

27 (3) "Community custody" has the same meaning as that provided in  
28 RCW 9.94A.030 and also includes community placement and community  
29 supervision as defined in RCW 9.94B.020.

30 (4) "Contraband" means any object or communication the secretary  
31 determines shall not be allowed to be: (a) Brought into; (b) possessed  
32 while on the grounds of; or (c) sent from any institution under the  
33 control of the secretary.

34 (5) "Correctional facility" means a facility or institution  
35 operated directly or by contract by the secretary for the purposes of  
36 incarcerating adults in total or partial confinement, as defined in RCW  
37 9.94A.030.

1           (6) "County" means a county or combination of counties.

2           (7) "Department" means the department of corrections.

3           (8) "Earned early release" means earned release as authorized by  
4 RCW 9.94A.728.

5           (9) "Evidence-based" means a program or practice that has had  
6 multiple-site random controlled trials across heterogeneous populations  
7 demonstrating that the program or practice is effective in reducing  
8 recidivism for the population.

9           (10) "Extended family visit" means an authorized visit between an  
10 inmate and a member of his or her immediate family that occurs in a  
11 private visiting unit located at the correctional facility where the  
12 inmate is confined.

13           (11) "Good conduct" means compliance with department rules and  
14 policies.

15           (12) "Good performance" means successful completion of a program  
16 required by the department, including an education, work, or other  
17 program.

18           (13) "Immediate family" means the inmate's children, stepchildren,  
19 grandchildren, great grandchildren, parents, stepparents, grandparents,  
20 great grandparents, siblings, and a person legally married to or in a  
21 state registered domestic partnership with an inmate. "Immediate  
22 family" does not include an inmate adopted by another inmate or the  
23 immediate family of the adopted or adopting inmate.

24           (14) "Indigent inmate," "indigent," and "indigency" mean an inmate  
25 who has less than a ten-dollar balance of disposable income in his or  
26 her institutional account on the day a request is made to utilize funds  
27 and during the thirty days previous to the request.

28           (15) "Individual reentry plan" means the plan to prepare an  
29 offender for release into the community. It should be developed  
30 collaboratively between the department and the offender and based on an  
31 assessment of the offender using a standardized and comprehensive tool  
32 to identify the offender's risks and needs. The individual reentry  
33 plan describes actions that should occur to prepare individual  
34 offenders for release from prison or jail, specifies the supervision  
35 and services they will experience in the community, and describes an  
36 offender's eventual discharge to aftercare upon successful completion  
37 of supervision. An individual reentry plan is updated throughout the

1 period of an offender's incarceration and supervision to be relevant to  
2 the offender's current needs and risks.

3 (16) "Inmate" means a person committed to the custody of the  
4 department, including but not limited to persons residing in a  
5 correctional institution or facility and persons released from such  
6 facility on furlough, work release, or community custody, and persons  
7 received from another state, state agency, county, or federal  
8 jurisdiction.

9 (17) "Labor" means the period of time before a birth during which  
10 contractions are of sufficient frequency, intensity, and duration to  
11 bring about effacement and progressive dilation of the cervix.

12 (18) "Physical restraint" means the use of any bodily force or  
13 physical intervention to control an offender or limit an offender's  
14 freedom of movement in a way that does not involve a mechanical  
15 restraint. Physical restraint does not include momentary periods of  
16 minimal physical restriction by direct person-to-person contact,  
17 without the aid of mechanical restraint, accomplished with limited  
18 force and designed to:

19 (a) Prevent an offender from completing an act that would result in  
20 potential bodily harm to self or others or damage property;

21 (b) Remove a disruptive offender who is unwilling to leave the area  
22 voluntarily; or

23 (c) Guide an offender from one location to another.

24 (19) "Postpartum recovery" means (a) the entire period a woman or  
25 youth is in the hospital, birthing center, or clinic after giving birth  
26 and (b) an additional time period, if any, a treating physician  
27 determines is necessary for healing after the woman or youth leaves the  
28 hospital, birthing center, or clinic.

29 (20) "Privilege" means any goods or services, education or work  
30 programs, or earned early release days, the receipt of which are  
31 directly linked to an inmate's (a) good conduct; and (b) good  
32 performance. Privileges do not include any goods or services the  
33 department is required to provide under the state or federal  
34 Constitution or under state or federal law.

35 (21) "Promising practice" means a practice that presents, based on  
36 preliminary information, potential for becoming a research-based or  
37 consensus-based practice.

1 (22) "Research-based" means a program or practice that has some  
2 research demonstrating effectiveness, but that does not yet meet the  
3 standard of evidence-based practices.

4 (23) "Restraints" means anything used to control the movement of a  
5 person's body or limbs and includes:

6 (a) Physical restraint; or

7 (b) Mechanical device including but not limited to: Metal  
8 handcuffs, plastic ties, ankle restraints, leather cuffs, other  
9 hospital-type restraints, tasers, or batons.

10 (24) "Secretary" means the secretary of corrections or his or her  
11 designee.

12 (25) "Significant expansion" includes any expansion into a new  
13 product line or service to the class I business that results from an  
14 increase in benefits provided by the department, including a decrease  
15 in labor costs, rent, or utility rates (for water, sewer, electricity,  
16 and disposal), an increase in work program space, tax advantages, or  
17 other overhead costs.

18 (26) "Superintendent" means the superintendent of a correctional  
19 facility under the jurisdiction of the Washington state department of  
20 corrections, or his or her designee.

21 (27) "Transportation" means the conveying, by any means, of an  
22 incarcerated pregnant woman or youth from the correctional facility to  
23 another location from the moment she leaves the correctional facility  
24 to the time of arrival at the other location, and includes the  
25 escorting of the pregnant incarcerated woman or youth from the  
26 correctional facility to a transport vehicle and from the vehicle to  
27 the other location.

28 (28) "Unfair competition" means any net competitive advantage that  
29 a business may acquire as a result of a correctional industries  
30 contract, including labor costs, rent, tax advantages, utility rates  
31 (water, sewer, electricity, and disposal), and other overhead costs.  
32 To determine net competitive advantage, the (~~correctional industries~~  
33 ~~board~~) department of corrections shall review and quantify any  
34 expenses unique to operating a for-profit business inside a prison.

35 (29) "Vocational training" or "vocational education" means  
36 "vocational education" as defined in RCW 72.62.020.

37 (30) "Washington business" means an in-state manufacturer or

1 service provider subject to chapter 82.04 RCW existing on June 10,  
2 2004.

3 (31) "Work programs" means all classes of correctional industries  
4 jobs authorized under RCW 72.09.100.

5 **Sec. 39.** RCW 72.62.020 and 1989 c 185 s 12 are each amended to  
6 read as follows:

7 When used in this chapter, unless the context otherwise requires:

8 The term "vocational education" means a planned series of learning  
9 experiences, the specific objective of which is to prepare individuals  
10 for gainful employment as semiskilled or skilled workers or technicians  
11 or subprofessionals in recognized occupations and in new and emerging  
12 occupations, but shall not mean programs the primary characteristic of  
13 which is repetitive work for the purpose of production, including the  
14 correctional industries program. Nothing in this section shall be  
15 construed to prohibit the (~~correctional industries board of~~  
16 ~~directors~~) department of corrections from identifying and establishing  
17 trade advisory or apprenticeship committees to advise them on  
18 correctional industries work programs.

19 **Sec. 40.** RCW 72.09.080 and 1993 sp.s. c 20 s 4 are each amended to  
20 read as follows:

21 (1) The correctional industries (~~board of directors~~) advisory  
22 committee shall consist of nine voting members, appointed by the  
23 (~~governor~~) secretary. Each member shall serve a three-year staggered  
24 term. (~~Initially, the governor shall appoint three members to one-~~  
25 ~~year terms, three members to two year terms, and three members to~~  
26 ~~three year terms.~~) The speaker of the house of representatives and  
27 the president of the senate shall each appoint one member from each of  
28 the two largest caucuses in their respective houses. The legislators  
29 so appointed shall be nonvoting members and shall serve two-year terms,  
30 or until they cease to be members of the house from which they were  
31 appointed, whichever occurs first. The nine members appointed by the  
32 (~~governor~~) secretary shall include three representatives from labor,  
33 three representatives from business representing cross-sections of  
34 industries and all sizes of employers, and three members from the  
35 general public.

1 (2) The (~~board of directors~~) committee shall elect a chair and  
2 such other officers as it deems appropriate from among the voting  
3 members.

4 (3) The voting members of the (~~board of directors~~) committee  
5 shall serve with compensation pursuant to RCW 43.03.240 and shall be  
6 reimbursed by the department for travel expenses and per diem under RCW  
7 43.03.050 and 43.03.060, as now or hereafter amended. Legislative  
8 members shall be reimbursed under RCW 44.04.120, as now or hereafter  
9 amended.

10 (4) The secretary shall provide such staff services, facilities,  
11 and equipment as the board shall require to carry out its duties.

### 12 Hanford Area Economic Investment Fund Committee

13 **Sec. 41.** RCW 43.31.425 and 1998 c 76 s 2 are each amended to read  
14 as follows:

15 The Hanford area economic investment fund advisory committee is  
16 hereby established to advise the director of the department of  
17 commerce.

18 (1) The committee shall have eleven members. The (~~governor~~)  
19 director of the department of commerce shall appoint the members, in  
20 consultation with Hanford area elected officials, subject to the  
21 following requirements:

22 (a) All members shall either reside or be employed within the  
23 Hanford area.

24 (b) The committee shall have a balanced membership representing one  
25 member each from the elected leadership of Benton county, Franklin  
26 county, the city of Richland, the city of Kennewick, the city of Pasco,  
27 a Hanford area port district, the labor community, and four members  
28 from the Hanford area business and financial community.

29 (c) Careful consideration shall be given to assure minority  
30 representation on the committee.

31 (2) Each member appointed by the (~~governor~~) director of the  
32 department of commerce shall serve a term of three years(~~(, except that~~  
33 ~~of the members first appointed, four shall serve two year terms and~~  
34 ~~four shall serve one year terms)). A person appointed to fill a  
35 vacancy of a member shall be appointed in a like manner and shall serve~~



1 for only the unexpired term. A member is eligible for reappointment.  
2 A member may be removed by the (~~governor~~) director of the department  
3 of commerce for cause.

4 (3) The (~~governor~~) director of the department of commerce shall  
5 designate a member of the committee as its chairperson. The committee  
6 may elect such other officers as it deems appropriate. Six members of  
7 the committee constitute a quorum and six affirmative votes are  
8 necessary for the transaction of business or the exercise of any power  
9 or function of the committee.

10 (4) The members shall serve without compensation, but are entitled  
11 to reimbursement for actual and necessary expenses incurred in the  
12 performance of official duties in accordance with RCW 43.03.050 and  
13 43.03.060.

14 (5) Members shall not be liable to the state, to the fund, or to  
15 any other person as a result of their activities, whether ministerial  
16 or discretionary, as members except for willful dishonesty or  
17 intentional violations of law. The department may purchase liability  
18 insurance for members and may indemnify these persons against the  
19 claims of others.

20 **Sec. 42.** RCW 43.31.422 and 2004 c 77 s 1 are each amended to read  
21 as follows:

22 The Hanford area economic investment fund is established in the  
23 custody of the state treasurer. Moneys in the fund shall only be used  
24 for reasonable assistant attorney general costs in support of the  
25 committee or pursuant to the decisions of the committee created in RCW  
26 43.31.425 for Hanford area revolving loan funds, Hanford area  
27 infrastructure projects, or other Hanford area economic development and  
28 diversification projects, but may not be used for government or  
29 nonprofit organization operating expenses. Up to five percent of  
30 moneys in the fund may be used for program administration. For the  
31 purpose of this chapter "Hanford area" means Benton and Franklin  
32 counties. The director of (~~community, trade, and economic~~  
33 ~~development~~) commerce or the director's designee shall authorize  
34 disbursements from the fund (~~after an affirmative vote of at least six~~  
35 ~~members~~) with the advice of the committee created in RCW 43.31.425  
36 (~~on any decisions reached by the committee created in RCW 43.31.425~~).  
37 The fund is subject to the allotment procedures under chapter 43.88

1 RCW, but no appropriation is required for disbursements. The  
2 legislature intends to establish similar economic investment funds for  
3 areas that develop low-level radioactive waste disposal facilities.

4 **Home Inspector Advisory Licensing Board**

5 **Sec. 43.** RCW 18.280.040 and 2008 c 119 s 4 are each amended to  
6 read as follows:

7 (1) The state home inspector advisory licensing board is created.  
8 The board consists of seven members appointed by the (~~governor~~)  
9 director, who shall advise the director concerning the administration  
10 of this chapter. Of the appointments to this board, six must be  
11 actively engaged as home inspectors immediately prior to their  
12 appointment to the board, and one must be currently teaching in a home  
13 inspector education program. Insofar as possible, the composition of  
14 the appointed home inspector members of the board must be generally  
15 representative of the geographic distribution of home inspectors  
16 licensed under this chapter. No more than two board members may be  
17 members of a particular national home inspector association or  
18 organization.

19 (2) A home inspector must have the following qualifications to be  
20 appointed to the board:

21 (a) Actively engaged as a home inspector in the state of Washington  
22 for five years;

23 (b) Licensed as a home inspector under this chapter, except for  
24 initial appointments; and

25 (c) Performed a minimum of five hundred home inspections in the  
26 state of Washington.

27 (3) Members of the board are appointed for three-year terms. Terms  
28 must be staggered so that not more than two appointments are scheduled  
29 to be made in any calendar year. Members hold office until the  
30 expiration of the terms for which they were appointed. The  
31 (~~governor~~) director may remove a board member for just cause. The  
32 (~~governor~~) director may appoint a new member to fill a vacancy on the  
33 board for the remainder of the unexpired term. All board members are  
34 limited to two consecutive terms.

1 (4) Each board member is entitled to compensation for each day  
2 spent conducting official business and to reimbursement for travel  
3 expenses in accordance with RCW 43.03.240, 43.03.050, and 43.03.060.

4 **Real Estate Appraiser Commission**

5 **Sec. 44.** RCW 18.140.230 and 2005 c 339 s 19 are each amended to  
6 read as follows:

7 There is established the real estate appraiser commission of the  
8 state of Washington, consisting of seven members who shall act to give  
9 advice to the director.

10 (1) The seven commission members shall be appointed by the  
11 (~~governor~~) director in the following manner: For a term of six years  
12 each, with the exception of the first appointees who shall be the  
13 incumbent members of the predecessor real estate appraiser advisory  
14 committee to serve for the duration of their current terms, with all  
15 other subsequent appointees to be appointed for a six-year term.

16 (2) At least two of the commission members shall be selected from  
17 the area of the state east of the Cascade mountain range and at least  
18 two of the commission members shall be selected from the area of the  
19 state west of the Cascade mountain range. At least two members of the  
20 commission shall be certified general real estate appraisers, at least  
21 two members of the commission shall be certified residential real  
22 estate appraisers, and at least one member of the commission may be a  
23 licensed real estate appraiser, all pursuant to this chapter. No  
24 certified or licensed appraiser commission member shall be appointed  
25 who has not been certified and/or licensed pursuant to this chapter for  
26 less than ten years, except that this experience duration shall be not  
27 less than five years only for any commission member taking office  
28 before January 1, 2003. One member shall be an employee of a financial  
29 institution as defined in this chapter whose duties are concerned with  
30 real estate appraisal management and policy. One member shall be an  
31 individual engaged in mass appraisal whose duties are concerned with ad  
32 valorem appraisal management and policy and who is licensed or  
33 certified under this chapter. One member may be a member of the  
34 general public.

1 (3) The members of the commission annually shall elect their  
2 chairperson and vice chairperson to serve for a term of one calendar  
3 year. A majority of the members of said commission shall at all times  
4 constitute a quorum.

5 (4) Any vacancy on the commission shall be filled by appointment by  
6 the (~~governor~~) director for the unexpired term.

7 **Escrow Commission**

8 **Sec. 45.** RCW 18.44.011 and 2010 c 34 s 1 are each reenacted and  
9 amended to read as follows:

10 The definitions in this section apply throughout this chapter  
11 unless the context clearly requires otherwise.

12 (1) "Committee" means the escrow advisory committee of the state of  
13 Washington created by RCW 18.44.500.

14 (2) "Controlling person" is any person who owns or controls ten  
15 percent or more of the beneficial ownership of any escrow agent,  
16 regardless of the form of business organization employed and regardless  
17 of whether such interest stands in such person's true name or in the  
18 name of a nominee.

19 (~~(+2)~~) (3) "Department" means the department of financial  
20 institutions.

21 (~~(+3)~~) (4) "Designated escrow officer" means any licensed escrow  
22 officer designated by a licensed escrow agent and approved by the  
23 director as the licensed escrow officer responsible for supervising  
24 that agent's handling of escrow transactions, management of the agent's  
25 trust account, and supervision of all other licensed escrow officers  
26 employed by the agent.

27 (~~(+4)~~) (5) "Director" means the director of financial  
28 institutions, or his or her duly authorized representative.

29 (~~(+5)~~) (6) "Director of licensing" means the director of the  
30 department of licensing, or his or her duly authorized representative.

31 (~~(+6)~~) (7) "Escrow" means any transaction, except the acts of a  
32 qualified intermediary in facilitating an exchange under section 1031  
33 of the internal revenue code, wherein any person or persons, for the  
34 purpose of effecting and closing the sale, purchase, exchange,  
35 transfer, encumbrance, or lease of real or personal property to another

1 person or persons, delivers any written instrument, money, evidence of  
2 title to real or personal property, or other thing of value to a third  
3 person to be held by such third person until the happening of a  
4 specified event or the performance of a prescribed condition or  
5 conditions, when it is then to be delivered by such third person, in  
6 compliance with instructions under which he or she is to act, to a  
7 grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor,  
8 bailee, bailor, or any agent or employee thereof.

9 ((+7)) (8) "Escrow agent" means any person engaged in the business  
10 of performing for compensation the duties of the third person referred  
11 to in subsection ((+6)) (7) of this section.

12 ((+8) "Escrow commission" means the escrow commission of the state  
13 of Washington created by RCW 18.44.500.)

14 (9) "Licensed escrow agent" means any sole proprietorship, firm,  
15 association, partnership, or corporation holding a license as an escrow  
16 agent under the provisions of this chapter.

17 (10) "Licensed escrow officer" means any natural person handling  
18 escrow transactions and licensed as such by the director.

19 (11) "Person" means a natural person, firm, association,  
20 partnership, corporation, limited liability company, or the plural  
21 thereof, whether resident, nonresident, citizen, or not.

22 (12) "Split escrow" means a transaction in which two or more escrow  
23 agents act to effect and close an escrow transaction.

24 **Sec. 46.** RCW 18.44.221 and 1999 c 30 s 31 are each amended to read  
25 as follows:

26 The director shall, within thirty days after ((the)) a written  
27 request ((of the escrow commission)), hold a public hearing to  
28 determine whether the fidelity bond, surety bond, and/or the errors and  
29 omissions policy specified in RCW 18.44.201 is reasonably available to  
30 a substantial number of licensed escrow agents. If the director  
31 determines and the insurance commissioner concurs that such bond or  
32 bonds and/or policy is not reasonably available, the director shall  
33 waive the requirements for such bond or bonds and/or policy for a fixed  
34 period of time.

35 **Sec. 47.** RCW 18.44.251 and 1995 c 238 s 5 are each amended to read  
36 as follows:

1 A request for a waiver of the required errors and omissions policy  
2 may be accomplished under the statute by submitting to the director an  
3 affidavit that substantially addresses the following:

4 REQUEST FOR WAIVER OF  
5 ERRORS AND OMISSIONS POLICY

6 I, ....., residing at ....., City of ....., County  
7 of ....., State of Washington, declare the following:

8 (1) ~~((The state escrow commission has determined  
9 that))~~ An errors and omissions policy is not reasonably  
10 available to a substantial number of licensed escrow  
11 officers; and

12 (2) Purchasing an errors and omissions policy is cost-  
13 prohibitive at this time; and

14 (3) I have not engaged in any conduct that resulted in  
15 the termination of my escrow certificate; and

16 (4) I have not paid, directly or through an errors and  
17 omissions policy, claims in excess of ten thousand dollars,  
18 exclusive of costs and attorneys' fees, during the calendar  
19 year preceding submission of this affidavit; and

20 (5) I have not paid, directly or through an errors and  
21 omissions policy, claims, exclusive of costs and attorneys'  
22 fees, totaling in excess of twenty thousand dollars in the  
23 three calendar years immediately preceding submission of  
24 this affidavit; and

25 (6) I have not been convicted of a crime involving  
26 honesty or moral turpitude during the calendar year  
27 preceding submission of this application.

28 THEREFORE, in consideration of the above, I,  
29 ....., respectfully request that the director of financial  
30 institutions grant this request for a waiver of the  
31 requirement that I purchase and maintain an errors and  
32 omissions policy covering my activities as an escrow agent  
33 licensed by the state of Washington for the period from  
34 ....., 19 ..., to ....., 19 ...

35 Submitted this day of .... day of ....., 19 ...

36 .....

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(signature)

State of Washington,

}

ss.

County of .....

I certify that I know or have satisfactory evidence that  
....., signed this instrument and acknowledged it to  
be ..... free and voluntary act for the uses and  
purposes mentioned in the instrument.

Dated .....

Signature of

Notary Public .....

(Seal or stamp)

Title .....

My appointment expires .....

14       **Sec. 48.** RCW 18.44.195 and 2010 c 34 s 9 are each amended to read  
15 as follows:

16       (1) Any person desiring to become a licensed escrow officer must  
17 successfully pass an examination as required by the director.

18       (2) The examination shall be in such form as prescribed by the  
19 director with the advice of the (~~escrow commission~~) committee.

20       **Sec. 49.** RCW 18.44.510 and 1984 c 287 s 37 are each amended to  
21 read as follows:

22       The (~~escrow commission~~) committee members shall each be  
23 compensated in accordance with RCW 43.03.240 and shall be reimbursed  
24 for travel expenses as provided for state officials and employees in  
25 RCW 43.03.050 and 43.03.060, when called into session by the director  
26 or when otherwise engaged in the business of the (~~commission~~)  
27 committee.

28       **Sec. 50.** RCW 18.44.500 and 1995 c 238 s 3 are each amended to read  
29 as follows:

30       There is established (~~an escrow commission~~) a committee of the  
31 state of Washington, to consist of the director of financial  
32 institutions or his or her designee as (~~chairman~~) chair, and five  
33 other members who shall act as advisors to the director as to the needs  
34 of the escrow profession, including but not limited to the design and

1 conduct of tests to be administered to applicants for escrow licenses,  
2 the schedule of license fees to be applied to the escrow licensees,  
3 educational programs, audits and investigations of the escrow  
4 profession designed to protect the consumer, and such other matters  
5 determined appropriate. The director is hereby empowered to and shall  
6 appoint the other members, each of whom shall have been a resident of  
7 this state for at least five years and shall have at least five years  
8 experience in the practice of escrow as an escrow agent or as a person  
9 in responsible charge of escrow transactions.

10 ~~((The members of the first commission shall serve for the following~~  
11 ~~terms: One member for one year, one member for two years, one member~~  
12 ~~for three years, one member for four years, and one member for five~~  
13 ~~years, from the date of their appointment, or until their successors~~  
14 ~~are duly appointed and qualified.))~~ Every member of the ((~~commission~~)  
15 committee) shall receive a certificate of appointment from the director  
16 and before beginning the member's term of office shall file with the  
17 secretary of state a written oath or affirmation for the faithful  
18 discharge of the member's official duties. On the expiration of the  
19 term of each member, the director shall appoint a successor to serve  
20 for a term of five years or until the member's successor has been  
21 appointed and qualified.

22 The director may remove any member of the ((~~commission~~) committee)  
23 for cause. Vacancies in the ((~~commission~~) committee) for any reason  
24 shall be filled by appointment for the unexpired term.

25 Members shall be compensated in accordance with RCW 43.03.240, and  
26 shall be reimbursed for their travel expenses incurred in carrying out  
27 the provisions of this chapter in accordance with RCW 43.03.050 and  
28 43.03.060.

### 29 **Livestock Identification Advisory Board**

30 **Sec. 51.** RCW 16.57.015 and 2003 c 326 s 3 are each amended to read  
31 as follows:

32 (1) The director shall establish a livestock identification  
33 advisory ((~~board~~) committee). The ((~~board~~) committee) shall be  
34 composed of six members appointed by the director. One member shall  
35 represent each of the following groups: Beef producers, public



1 livestock market operators, horse owners, dairy farmers, cattle  
2 feeders, and meat processors. As used in this subsection, "meat  
3 processor" means a person licensed to operate a slaughtering  
4 establishment under chapter 16.49 RCW or the federal meat inspection  
5 act (21 U.S.C. Sec. 601 et seq.). In making appointments, the director  
6 shall solicit nominations from organizations representing these groups  
7 statewide. The ((board)) committee shall elect a member to serve as  
8 chair of the ((board)) committee.

9 (2) The purpose of the ((board)) committee is to provide advice to  
10 the director regarding livestock identification programs administered  
11 under this chapter and regarding inspection fees and related licensing  
12 fees. The director shall consult the ((board)) committee before  
13 adopting, amending, or repealing a rule under this chapter or altering  
14 a fee under RCW 16.58.050, 16.65.030, 16.65.037, or 16.65.090. If the  
15 director publishes in the state register a proposed rule to be adopted  
16 under the authority of this chapter and the rule has not received the  
17 approval of the advisory ((board)) committee, the director shall file  
18 with the ((board)) committee a written statement setting forth the  
19 director's reasons for proposing the rule without the ((board's))  
20 committee's approval.

21 (3) The members of the advisory ((board)) committee serve three-  
22 year terms. However, the director shall by rule provide shorter  
23 initial terms for some of the members of the ((board)) committee to  
24 stagger the expiration of the initial terms. The members serve without  
25 compensation. The director may authorize the expenses of a member to  
26 be reimbursed if the member is selected to attend a regional or  
27 national conference or meeting regarding livestock identification. Any  
28 such reimbursement shall be in accordance with RCW 43.03.050 and  
29 43.03.060.

30 **Sec. 52.** RCW 16.57.353 and 2004 c 233 s 1 are each amended to read  
31 as follows:

32 (1) The director may adopt rules:

33 (a) To support the agriculture industry in meeting federal  
34 requirements for the country-of-origin labeling of meat. Any  
35 requirements established under this subsection for country of origin  
36 labeling purposes shall be substantially consistent with and shall not

1 exceed the requirements established by the United States department of  
2 agriculture; and

3 (b) In consultation with the livestock identification advisory  
4 (~~board~~) committee under RCW 16.57.015, to implement federal  
5 requirements for animal identification needed to trace the source of  
6 livestock for disease control and response purposes.

7 (2) The director may cooperate with and enter into agreements with  
8 other states and agencies of federal government to carry out such  
9 systems and to promote consistency of regulation.

10 **Superintendent of Public Instruction**

11 NEW SECTION. **Sec. 53.** A new section is added to chapter 28A.300  
12 RCW to read as follows:

13 In addition to any board, commission, council, committee, or other  
14 similar group established by statute or executive order, the  
15 superintendent of public instruction may appoint advisory groups on  
16 subject matters within the superintendent's responsibilities or as may  
17 be required by any federal legislation as a condition to the receipt of  
18 federal funds by the federal department. The advisory groups shall be  
19 constituted as required by federal law or as the superintendent may  
20 determine.

21 Members of advisory groups under the authority of the  
22 superintendent may be paid their travel expenses in accordance with RCW  
23 43.03.050 and 43.03.060.

24 Except as provided in this section, members of advisory groups  
25 under the authority of the superintendent are volunteering their  
26 services and are not eligible for compensation. A person is eligible  
27 to receive compensation in an amount not to exceed one hundred dollars  
28 for each day during which the member attends an official meeting of the  
29 group or performs statutorily prescribed duties approved by the  
30 chairperson of the group if the person (1) occupies a position,  
31 normally regarded as full-time in nature, as a certificated employee of  
32 a local school district; (2) is participating as part of their  
33 employment with the local school district; and (3) the meeting or  
34 duties are performed outside the period in which school days as defined  
35 by RCW 28A.150.030 are conducted. The superintendent may reimburse

1 local school districts for substitute certificated employees to enable  
2 members to meet or perform duties on school days. A person is eligible  
3 to receive compensation from federal funds in an amount to be  
4 determined by personal service contract for groups required by federal  
5 law.

6 **Quality Education Council**

7 **Sec. 54.** RCW 28A.290.010 and 2010 c 236 s 15 and 2010 c 234 s 4  
8 are each reenacted and amended to read as follows:

9 (1) The quality education council is created to recommend and  
10 inform the ongoing implementation by the legislature of an evolving  
11 program of basic education and the financing necessary to support such  
12 program. The council shall develop strategic recommendations on the  
13 program of basic education for the common schools. The council shall  
14 take into consideration the capacity report produced under RCW  
15 28A.300.172 and the availability of data and progress of implementing  
16 the data systems required under RCW 28A.655.210. Any recommendations  
17 for modifications to the program of basic education shall be based on  
18 evidence that the programs effectively support student learning. The  
19 council shall update the statewide strategic recommendations every four  
20 years. The recommendations of the council are intended to:

21 (a) Inform future educational policy and funding decisions of the  
22 legislature and governor;

23 (b) Identify measurable goals and priorities for the educational  
24 system in Washington state for a ten-year time period, including the  
25 goals of basic education and ongoing strategies for coordinating  
26 statewide efforts to eliminate the achievement gap and reduce student  
27 dropout rates; and

28 (c) Enable the state of Washington to continue to implement an  
29 evolving program of basic education.

30 (2) The council may request updates and progress reports from the  
31 office of the superintendent of public instruction, the state board of  
32 education, the professional educator standards board, and the  
33 department of early learning on the work of the agencies as well as  
34 educational working groups established by the legislature.

1 (3) The chair of the council shall be selected from the  
2 councilmembers. The council shall be composed of the following  
3 members:

4 (a) Four members of the house of representatives, with two members  
5 representing each of the major caucuses and appointed by the speaker of  
6 the house of representatives;

7 (b) Four members of the senate, with two members representing each  
8 of the major caucuses and appointed by the president of the senate;

9 (c) One representative each from the office of the governor, office  
10 of the superintendent of public instruction, state board of education,  
11 professional educator standards board, and department of early  
12 learning; and

13 (d) One nonlegislative representative from the ((achievement))  
14 educational opportunity gap oversight and accountability committee  
15 established under RCW 28A.300.136, to be selected by the members of the  
16 committee.

17 (4) ((In the 2009 fiscal year, the council shall meet as often as  
18 necessary as determined by the chair. In subsequent years,)) The  
19 council shall meet no more than four ((times)) days a year.

20 (5)(a) The council shall submit an initial report to the governor  
21 and the legislature by January 1, 2010, detailing its recommendations,  
22 including recommendations for resolving issues or decisions requiring  
23 legislative action during the 2010 legislative session, and  
24 recommendations for any funding necessary to continue development and  
25 implementation of chapter 548, Laws of 2009.

26 (b) The initial report shall, at a minimum, include:

27 (i) Consideration of how to establish a statewide beginning teacher  
28 mentoring and support system;

29 (ii) Recommendations for a program of early learning for at-risk  
30 children;

31 (iii) A recommended schedule for the concurrent phase-in of the  
32 changes to the instructional program of basic education and the  
33 implementation of the funding formulas and allocations to support the  
34 new instructional program of basic education as established under  
35 chapter 548, Laws of 2009. The phase-in schedule shall have full  
36 implementation completed by September 1, 2018; and

37 (iv) A recommended schedule for phased-in implementation of the new

1 distribution formula for allocating state funds to school districts for  
2 the transportation of students to and from school, with phase-in  
3 beginning no later than September 1, 2013.

4 (6) The council shall submit a report to the legislature by January  
5 1, 2012, detailing its recommendations for a comprehensive plan for a  
6 voluntary program of early learning. Before submitting the report, the  
7 council shall seek input from the early learning advisory council  
8 created in RCW 43.215.090.

9 (7) The council shall submit a report to the governor and the  
10 legislature by December 1, 2010, that includes:

11 (a) Recommendations for specific strategies, programs, and funding,  
12 including funding allocations through the funding distribution formula  
13 in RCW 28A.150.260, that are designed to close the achievement gap and  
14 increase the high school graduation rate in Washington public schools.  
15 The council shall consult with the (~~achievement~~) educational  
16 opportunity gap oversight and accountability committee and the building  
17 bridges work group in developing its recommendations; and

18 (b) Recommendations for assuring adequate levels of state-funded  
19 classified staff to support essential school and district services.

20 (8) The council shall be staffed by the office of the  
21 superintendent of public instruction and the office of financial  
22 management. Additional staff support shall be provided by the state  
23 entities with representatives on the council. Senate committee  
24 services and the house of representatives office of program research  
25 may provide additional staff support.

26 (9) Legislative members of the council shall serve without  
27 additional compensation but may be reimbursed for travel expenses in  
28 accordance with RCW 44.04.120 while attending sessions of the council  
29 or on official business authorized by the council. Nonlegislative  
30 members of the council may be reimbursed for travel expenses in  
31 accordance with RCW 43.03.050 and 43.03.060.

## 32 PART II - OTHER PROVISIONS

33 **Sec. 55.** RCW 43.03.220 and 2010 1st sp.s. c 7 s 142 are each  
34 amended to read as follows:

35 (1) Any part-time board, commission, council, committee, or other

1 similar group which is established by the executive, legislative, or  
2 judicial branch to participate in state government and which functions  
3 primarily in an advisory, coordinating, or planning capacity shall be  
4 identified as a class one group.

5 (2) Absent any other provision of law to the contrary, no money  
6 beyond the customary reimbursement or allowance for expenses may be  
7 paid by or through the state to members of class one groups for  
8 attendance at meetings of such groups.

9 (3) (~~Beginning July 1, 2010, through June 30, 2011,~~) (a) No  
10 person designated as a member of a class one board, commission,  
11 council, committee, or similar group may receive an allowance for  
12 subsistence, lodging, or travel expenses if the allowance cost is  
13 funded by the state general fund. Exceptions may be granted under  
14 section (~~605, chapter 3, Laws of 2010~~) 63 of this act. Class one  
15 groups, when feasible, shall use an alternative means of conducting a  
16 meeting that does not require travel while still maximizing member and  
17 public participation and may use a meeting format that requires members  
18 to be physically present at one location only when necessary or  
19 required by law. (~~Meetings that require a member's physical presence~~  
20 ~~at one location must be held in state facilities whenever possible, and~~  
21 ~~meetings conducted using private facilities must be approved by the~~  
22 ~~director of the office of financial management.~~

23 (~~4) Beginning July 1, 2010, through June 30, 2011,~~) (b) Class one  
24 groups that are funded by sources other than the state general fund are  
25 encouraged to reduce travel, lodging, and other costs associated with  
26 conducting the business of the group including use of other meeting  
27 formats that do not require travel.

28 **Sec. 56.** RCW 43.03.230 and 2010 1st sp.s. c 7 s 143 are each  
29 amended to read as follows:

30 (1) Any agricultural commodity board or commission established  
31 pursuant to Title 15 or 16 RCW shall be identified as a class two group  
32 for purposes of compensation.

33 (2) Except as otherwise provided in this section, each member of a  
34 class two group is eligible to receive compensation in an amount not to  
35 exceed one hundred dollars for each day during which the member attends  
36 an official meeting of the group or performs statutorily prescribed  
37 duties approved by the chairperson of the group. A person shall not

1 receive compensation for a day of service under this section if the  
2 person (a) occupies a position, normally regarded as full-time in  
3 nature, in any agency of the federal government, Washington state  
4 government, or Washington state local government; and (b) receives any  
5 compensation from such government for working that day.

6 (3) Compensation may be paid a member under this section only if it  
7 is authorized under the law dealing in particular with the specific  
8 group to which the member belongs or dealing in particular with the  
9 members of that specific group.

10 (4) (~~Beginning July 1, 2010, through June 30, 2011,~~) No person  
11 designated as a member of a class two board, commission, council,  
12 committee, or similar group may receive an allowance for subsistence,  
13 lodging, or travel expenses if the allowance cost is funded by the  
14 state general fund. Exceptions may be granted under section (~~605,~~  
15 ~~chapter 3, Laws of 2010~~) 63 of this act. Class two groups, when  
16 feasible, shall use an alternative means of conducting a meeting that  
17 does not require travel while still maximizing member and public  
18 participation and may use a meeting format that requires members to be  
19 physically present at one location only when necessary or required by  
20 law. (~~Meetings that require a member's physical presence at one~~  
21 ~~location must be held in state facilities whenever possible, and~~  
22 ~~meetings conducted using private facilities must be approved by the~~  
23 ~~director of the office of financial management.~~)

24 (5) (~~Beginning July 1, 2010, through June 30, 2011,~~) Class two  
25 groups that are funded by sources other than the state general fund are  
26 encouraged to reduce travel, lodging, and other costs associated with  
27 conducting the business of the group including use of other meeting  
28 formats that do not require travel.

29 **Sec. 57.** RCW 43.03.240 and 2010 1st sp.s. c 7 s 144 are each  
30 amended to read as follows:

31 (1) Any part-time, statutory board, commission, council, committee,  
32 or other similar group which has rule-making authority, performs quasi  
33 judicial functions, has responsibility for the administration or policy  
34 direction of a state agency or program, or performs regulatory or  
35 licensing functions with respect to a specific profession, occupation,  
36 business, or industry shall be identified as a class three group for  
37 purposes of compensation.

1 (2) Except as otherwise provided in this section, each member of a  
2 class three group is eligible to receive compensation in an amount not  
3 to exceed fifty dollars for each day during which the member attends an  
4 official meeting of the group or performs statutorily prescribed duties  
5 approved by the chairperson of the group. A person shall not receive  
6 compensation for a day of service under this section if the person (a)  
7 occupies a position, normally regarded as full-time in nature, in any  
8 agency of the federal government, Washington state government, or  
9 Washington state local government; and (b) receives any compensation  
10 from such government for working that day.

11 (3) Compensation may be paid a member under this section only if it  
12 is authorized under the law dealing in particular with the specific  
13 group to which the member belongs or dealing in particular with the  
14 members of that specific group.

15 (4) (~~Beginning July 1, 2010, through June 30, 2011,~~) No person  
16 designated as a member of a class three board, commission, council,  
17 committee, or similar group may receive an allowance for subsistence,  
18 lodging, or travel expenses if the allowance cost is funded by the  
19 state general fund. Exceptions may be granted under section (~~605,~~  
20 ~~chapter 3, Laws of 2010~~) 63 of this act. Class three groups, when  
21 feasible, shall use an alternative means of conducting a meeting that  
22 does not require travel while still maximizing member and public  
23 participation and may use a meeting format that requires members to be  
24 physically present at one location only when necessary or required by  
25 law. (~~Meetings that require a member's physical presence at one~~  
26 ~~location must be held in state facilities whenever possible, and~~  
27 ~~meetings conducted using private facilities must be approved by the~~  
28 ~~director of the office of financial management.~~)

29 (5) (~~Beginning July 1, 2010, through June 30, 2011,~~) Class three  
30 groups that are funded by sources other than the state general fund are  
31 encouraged to reduce travel, lodging, and other costs associated with  
32 conducting the business of the group including use of other meeting  
33 formats that do not require travel.

34 **Sec. 58.** RCW 43.03.250 and 2010 1st sp.s. c 7 s 145 are each  
35 amended to read as follows:

36 (1) A part-time, statutory board, commission, council, committee,



1 or other similar group shall be identified as a class four group for  
2 purposes of compensation if the group:

3 (a) Has rule-making authority, performs quasi-judicial functions,  
4 or has responsibility for the administration or policy direction of a  
5 state agency or program;

6 (b) Has duties that are deemed by the legislature to be of  
7 overriding sensitivity and importance to the public welfare and the  
8 operation of state government; and

9 (c) Requires service from its members representing a significant  
10 demand on their time that is normally in excess of one hundred hours of  
11 meeting time per year.

12 (2) Each member of a class four group is eligible to receive  
13 compensation in an amount not to exceed one hundred dollars for each  
14 day during which the member attends an official meeting of the group or  
15 performs statutorily prescribed duties approved by the chairperson of  
16 the group. A person shall not receive compensation for a day of  
17 service under this section if the person (a) occupies a position,  
18 normally regarded as full-time in nature, in any agency of the federal  
19 government, Washington state government, or Washington state local  
20 government; and (b) receives any compensation from such government for  
21 working that day.

22 (3) Compensation may be paid a member under this section only if it  
23 is authorized under the law dealing in particular with the specific  
24 group to which the member belongs or dealing in particular with the  
25 members of that specific group.

26 (4) ~~((Beginning July 1, 2010, through June 30, 2011,))~~ Class four  
27 groups, when feasible, shall use an alternative means of conducting a  
28 meeting that does not require travel while still maximizing member and  
29 public participation and may use a meeting format that requires members  
30 to be physically present at one location only when necessary or  
31 required by law. ~~((Meetings that require a member's physical presence  
32 at one location must be held in state facilities whenever possible, and  
33 meetings conducted using private facilities must be approved by the  
34 director of the office of financial management.))~~

35 **Sec. 59.** RCW 43.03.265 and 2010 1st sp.s. c 7 s 146 are each  
36 amended to read as follows:

37 (1) Any part-time commission that has rule-making authority,

1 performs quasi-judicial functions, has responsibility for the policy  
2 direction of a health profession credentialing program, and performs  
3 regulatory and licensing functions with respect to a health care  
4 profession licensed under Title 18 RCW shall be identified as a class  
5 five group for purposes of compensation.

6 (2) Except as otherwise provided in this section, each member of a  
7 class five group is eligible to receive compensation in an amount not  
8 to exceed two hundred fifty dollars for each day during which the  
9 member attends an official meeting of the group or performs statutorily  
10 prescribed duties approved by the chairperson of the group. A person  
11 shall not receive compensation for a day of service under this section  
12 if the person (a) occupies a position, normally regarded as full-time  
13 in nature, in any agency of the federal government, Washington state  
14 government, or Washington state local government; and (b) receives any  
15 compensation from such government for working that day.

16 (3) Compensation may be paid a member under this section only if it  
17 is necessarily incurred in the course of authorized business consistent  
18 with the responsibilities of the commission established by law.

19 (4) (~~Beginning July 1, 2010, through June 30, 2011,~~) No person  
20 designated as a member of a class five board, commission, council,  
21 committee, or similar group may receive an allowance for subsistence,  
22 lodging, or travel expenses if the allowance cost is funded by the  
23 state general fund. Exceptions may be granted under section (~~605,~~  
24 ~~chapter 3, Laws of 2010~~) 63 of this act. Class five groups, when  
25 feasible, shall use an alternative means of conducting a meeting that  
26 does not require travel while still maximizing member and public  
27 participation and may use a meeting format that requires members to be  
28 physically present at one location only when necessary or required by  
29 law. (~~Meetings that require a member's physical presence at one~~  
30 ~~location must be held in state facilities whenever possible, and~~  
31 ~~meetings conducted using private facilities must be approved by the~~  
32 ~~director of the office of financial management.~~)

33 (5) (~~Beginning July 1, 2010, through June 30, 2011,~~) Class five  
34 groups that are funded by sources other than the state general fund are  
35 encouraged to reduce travel, lodging, and other costs associated with  
36 conducting the business of the group including use of other meeting  
37 formats that do not require travel.

1        NEW SECTION.    **Sec. 60.**    A new section is added to chapter 39.29 RCW  
2    to read as follows:

3        Except under a specific statute to the contrary, agencies are  
4    prohibited from entering into personal service contracts with members  
5    of any agency board, commission, council, committee, or other similar  
6    group formed to advise the activities and management of state  
7    government for services related to work done as a member of the agency  
8    board, commission, council, committee, or other similar group.

9        **Sec. 61.**    RCW 43.03.050 and 2010 1st sp.s. c 7 s 141 are each  
10    amended to read as follows:

11        (1) The director of financial management shall prescribe reasonable  
12    allowances to cover reasonable and necessary subsistence and lodging  
13    expenses for elective and appointive officials and state employees  
14    while engaged on official business away from their designated posts of  
15    duty. The director of financial management may prescribe and regulate  
16    the allowances provided in lieu of subsistence and lodging expenses and  
17    may prescribe the conditions under which reimbursement for subsistence  
18    and lodging may be allowed. The schedule of allowances adopted by the  
19    office of financial management may include special allowances for  
20    foreign travel and other travel involving higher than usual costs for  
21    subsistence and lodging. The allowances established by the director  
22    shall not exceed the rates set by the federal government for federal  
23    employees. However, during the 2003-05 fiscal biennium, the allowances  
24    for any county that is part of a metropolitan statistical area, the  
25    largest city of which is in another state, shall equal the allowances  
26    prescribed for that larger city.

27        (2) Those persons appointed to serve without compensation on any  
28    state board, commission, or committee, if entitled to payment of travel  
29    expenses, shall be paid pursuant to special per diem rates prescribed  
30    in accordance with subsection (1) of this section by the office of  
31    financial management.

32        (3) The director of financial management may prescribe reasonable  
33    allowances to cover reasonable expenses for meals, coffee, and light  
34    refreshment served to elective and appointive officials and state  
35    employees regardless of travel status at a meeting where: (a) The  
36    purpose of the meeting is to conduct official state business or to  
37    provide formal training to state employees or state officials; (b) the

1 meals, coffee, or light refreshment are an integral part of the meeting  
2 or training session; (c) the meeting or training session takes place  
3 away from the employee's or official's regular workplace; and (d) the  
4 agency head or authorized designee approves payments in advance for the  
5 meals, coffee, or light refreshment. In order to prevent abuse, the  
6 director may regulate such allowances and prescribe additional  
7 conditions for claiming the allowances.

8 (4) Upon approval of the agency head or authorized designee, an  
9 agency may serve coffee or light refreshments at a meeting where: (a)  
10 The purpose of the meeting is to conduct state business or to provide  
11 formal training that benefits the state; and (b) the coffee or light  
12 refreshment is an integral part of the meeting or training session.  
13 The director of financial management shall adopt requirements necessary  
14 to prohibit abuse of the authority authorized in this subsection.

15 (5) The schedule of allowances prescribed by the director under the  
16 terms of this section and any subsequent increases in any maximum  
17 allowance or special allowances for areas of higher than usual costs  
18 shall be reported to the ways and means committees of the house of  
19 representatives and the senate at each regular session of the  
20 legislature.

21 (6) (~~Beginning July 1, 2010, through June 30, 2011,~~) No person  
22 designated as a member of a class one through class three or class five  
23 board, commission, council, committee, or similar group may receive an  
24 allowance for subsistence, lodging, or travel expenses if the allowance  
25 cost is funded by the state general fund. Exceptions may be granted  
26 under section (~~605, chapter 3, Laws of 2010~~) 63 of this act.

27 **Sec. 62.** RCW 43.03.060 and 1990 c 30 s 2 are each amended to read  
28 as follows:

29 (1) Whenever it becomes necessary for elective or appointive  
30 officials or employees of the state to travel away from their  
31 designated posts of duty while engaged on official business, and it is  
32 found to be more advantageous or economical to the state that travel be  
33 by a privately-owned vehicle rather than a common carrier or a state-  
34 owned or operated vehicle, a mileage rate established by the director  
35 of financial management shall be allowed. The mileage rate established  
36 by the director shall not exceed any rate set by the United States

1 treasury department above which the substantiation requirements  
2 specified in Treasury Department Regulations section 1.274-5T(a)(1), as  
3 now law or hereafter amended, will apply.

4 (2) The director of financial management may prescribe and regulate  
5 the specific mileage rate or other allowance for the use of privately-  
6 owned vehicles or common carriers on official business and the  
7 conditions under which reimbursement of transportation costs may be  
8 allowed. The reimbursement or other payment for transportation  
9 expenses of any employee or appointive official of the state shall be  
10 based on the method deemed most advantageous or economical to the  
11 state.

12 (3) The mileage rate established by the director of financial  
13 management pursuant to this section and any subsequent changes thereto  
14 shall be reported to the ways and means committees of the house of  
15 representatives and the senate at each regular session of the  
16 legislature.

17 (4) No person designated as a member of a class one through class  
18 three or class five board, commission, council, committee, or similar  
19 group may receive an allowance for subsistence, lodging, or travel  
20 expenses if the allowance cost is funded by the state general fund.  
21 Exceptions may be granted under section 63 of this act.

22 NEW SECTION. Sec. 63. A new section is added to chapter 43.03 RCW  
23 to read as follows:

24 Exceptions to restrictions on subsistence, lodging, or travel  
25 expenses under this chapter may be granted for the critically necessary  
26 work of an agency. For agencies of the executive branch, the  
27 exceptions shall be subject to approval by the director of financial  
28 management or the director's designee. For agencies of the judicial  
29 branch, the exceptions shall be subject to approval of the chief  
30 justice of the supreme court. For the house of representatives and the  
31 senate, the exceptions shall be subject to the approval of the chief  
32 clerk of the house of representatives and the secretary of the senate,  
33 respectively, under the direction of the senate committee on facilities  
34 and operations and the executive rules committee of the house of  
35 representatives. For other legislative agencies, the exceptions shall  
36 be subject to approval of both the chief clerk of the house of

1 representatives and the secretary of the senate under the direction of  
2 the senate committee on facilities and operations and the executive  
3 rules committee of the house of representatives.

4 **Effective Dates**

5 NEW SECTION. **Sec. 64.** Except for sections 53 and 60 of this act,  
6 this act is necessary for the immediate preservation of the public  
7 peace, health, or safety, or support of the state government and its  
8 existing public institutions, and takes effect July 1, 2011.

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