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**SUBSTITUTE SENATE BILL 5311**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

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

READ FIRST TIME 02/18/19.

1 AN ACT Relating to government efficiency by eliminating,  
2 revising, or decodifying obsolete or inactive statutory provisions  
3 that concern the office of financial management; amending RCW  
4 4.84.360, 38.40.030, 43.03.049, 43.08.015, and 43.320.090; and  
5 repealing RCW 28B.15.101, 39.80.070, 43.41.220, 43.41.230, 43.41.240,  
6 43.41.250, 43.41.905, and 43.132.800.

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

8 **Sec. 1.** RCW 4.84.360 and 1995 c 403 s 904 are each amended to  
9 read as follows:

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

19 **Sec. 2.** RCW 38.40.030 and 1989 c 19 s 47 are each amended to  
20 read as follows:

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

1       **Sec. 3.** RCW 43.03.049 and 2011 1st sp.s. c 21 s 63 are each  
2 amended to read as follows:

3       Exceptions to restrictions on subsistence, lodging, or travel  
4 expenses under this chapter may be granted for the critically  
5 necessary work of an agency. For boards, commissions, councils,  
6 committees, or similar groups in agencies of the executive branch,  
7 the exceptions (~~((shall be))~~) are subject to approval by the (~~((director~~  
8 ~~of financial management or the director's designee))~~) agency head or  
9 authorized designee. For boards, commissions, councils, committees,  
10 or similar groups in the executive branch under the purview of a  
11 separately elected official, president of an institution of higher  
12 education, chair, or executive director, the exceptions are subject  
13 to approval of the separately elected official, president of the  
14 institution of higher education, chair, or executive director. For  
15 agencies of the judicial branch, the exceptions shall be subject to  
16 approval of the chief justice of the supreme court. For the house of  
17 representatives and the senate, the exceptions shall be subject to  
18 the approval of the chief clerk of the house of representatives and  
19 the secretary of the senate, respectively, under the direction of the  
20 senate committee on facilities and operations and the executive rules  
21 committee of the house of representatives. For other legislative  
22 agencies, the exceptions shall be subject to approval of both the  
23 chief clerk of the house of representatives and the secretary of the  
24 senate under the direction of the senate committee on facilities and  
25 operations and the executive rules committee of the house of  
26 representatives.

27       **Sec. 4.** RCW 43.08.015 and 1993 c 500 s 3 are each amended to  
28 read as follows:

29       Within the policies and procedures established pursuant to RCW  
30 43.41.110(13) and 43.88.160(1), the state treasurer shall take such  
31 actions as are necessary to ensure the effective cash management of  
32 public funds. This cash management shall include the authority to  
33 represent the state in all contractual relationships with financial  
34 institutions. The state treasurer may delegate cash management  
35 responsibilities to the affected agencies (~~((with the concurrence of~~  
36 ~~the office of financial management))~~).

37       **Sec. 5.** RCW 43.320.090 and 1993 c 472 s 23 are each amended to  
38 read as follows:

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

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

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

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

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

23 NEW SECTION. **Sec. 6.** The following acts or parts of acts are  
24 each repealed:

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

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

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

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

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

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

1           (7)    RCW  43.41.905  (Interagency  task  force  on  unintended  
2  pregnancy)  and  1997  c  58  s  1001;  and  
3           (8)    RCW  43.132.800  (Fiscal  impact  on  local  governments  of  
4  selected  laws  enacted  over  five-year  period—Annual  report)  and  2000  c  
5  182  s  5.

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