
SENATE BILL 5528

State of Washington

58th Legislature

2003 Regular Session

By Senators Benton, Prentice, Hale, Haugen, Rossi, Schmidt, Shin, T. Sheldon, Oke, Brandland, Zarelli, Esser, Hewitt, Morton, Stevens, Sheahan, Mulliken, Johnson, Parlette, West, Roach, Horn, Honeyford, Rasmussen and Kline

Read first time 01/28/2003. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to requiring senate confirmation of certain
2 commission and department appointments; amending RCW 18.44.500,
3 18.85.071, 21.20.550, 43.17.020, and 43.180.040; and declaring an
4 emergency.

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

6 **Sec. 1.** RCW 18.44.500 and 1995 c 238 s 3 are each amended to read
7 as follows:

8 There is established an escrow commission of the state of
9 Washington, to consist of the director of financial institutions or his
10 or her designee as (~~chairman~~) chair, and five other members who shall
11 act as advisors to the director as to the needs of the escrow
12 profession, including but not limited to the design and conduct of
13 tests to be administered to applicants for escrow licenses, the
14 schedule of license fees to be applied to the escrow licensees,
15 educational programs, audits and investigations of the escrow
16 profession designed to protect the consumer, and such other matters
17 determined appropriate. The director is hereby empowered to and shall
18 appoint the other members, each of whom shall have been a resident of

1 this state for at least five years and shall have at least five years
2 experience in the practice of escrow as an escrow agent or as a person
3 in responsible charge of escrow transactions.

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

16 The director may remove any member of the commission for cause.
17 Vacancies in the commission for any reason shall be filled by
18 appointment for the unexpired term.

19 Appointments made under this section are subject to the advice and
20 consent of the senate. No appointee may serve in the position to which
21 he or she is appointed for a period of more than one year without the
22 confirmation and approval of that appointee by the senate, during an
23 officially convened legislative session.

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

28 **Sec. 2.** RCW 18.85.071 and 1972 ex.s. c 139 s 6 are each amended to
29 read as follows:

30 There is established the real estate commission of the state of
31 Washington, consisting of the director of the commission and six
32 commission members who shall act in an advisory capacity to the
33 director.

34 The six commission members shall be appointed by the governor in
35 the following manner: For a term of six years each, with the exception
36 of the first appointees, who shall be appointed one for a term of one
37 year, one for a term of two years, one for a term of three years, one

1 for a term of four years, one for a term of five years, and one for a
2 term of six years, with all other subsequent appointees to be appointed
3 for a six year term. At least two of the commission members shall be
4 selected from the area in the state west of the Cascade mountain range
5 and at least two shall be selected from that area of the state east of
6 the Cascade mountain range. No commission member shall be appointed
7 who has had less than five years experience in the sale, operation, or
8 management of real estate in this state, or has had at least three
9 years experience in investigative work of a similar nature, preferably
10 in connection with the administration of real estate license law of
11 this state or elsewhere. Any vacancies on the commission shall be
12 filled by appointment by the governor for the unexpired term.

13 Appointments made under this section are subject to the advice and
14 consent of the senate. No appointee may serve in the position to which
15 he or she is appointed for a period of more than one year without the
16 confirmation and approval of that appointee by the senate, during an
17 officially convened legislative session.

18 **Sec. 3.** RCW 21.20.550 and 1973 1st ex.s. c 171 s 3 are each
19 amended to read as follows:

20 There is hereby created a state advisory committee which shall
21 consist of seven members to be appointed by the governor on the basis
22 of their experience and qualifications. The membership shall be
23 selected, insofar as possible, on the basis of giving both geographic
24 representation and representation to all phases of the securities
25 business including the legal and accounting professions.

26 Appointments made under this section are subject to the advice and
27 consent of the senate. No appointee may serve in the position to which
28 he or she is appointed for a period of more than one year without the
29 confirmation and approval of that appointee by the senate, during an
30 officially convened legislative session.

31 **Sec. 4.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended
32 to read as follows:

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

1 secretary of transportation, (7) the director of licensing, (8) the
2 director of general administration, (9) the director of community,
3 trade, and economic development, (10) the director of veterans affairs,
4 (11) the director of revenue, (12) the director of retirement systems,
5 (13) the secretary of corrections, (~~and~~) (14) the secretary of
6 health, and (15) the director of financial institutions.

7 Such officers, except the secretary of transportation and the
8 director of fish and wildlife, shall be appointed by the governor, with
9 the consent of the senate, and hold office at the pleasure of the
10 governor. The secretary of transportation shall be appointed by the
11 transportation commission as prescribed by RCW 47.01.041. The director
12 of fish and wildlife shall be appointed by the fish and wildlife
13 commission as prescribed by RCW 77.04.055.

14 Appointments made under this section are subject to the advice and
15 consent of the senate. No appointee may serve in the position to which
16 he or she is appointed for a period of more than one year without the
17 confirmation and approval of that appointee by the senate, during an
18 officially convened legislative session.

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

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

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

29 (a) The state treasurer, ex officio;

30 (b) The director of community, trade, and economic development, ex
31 officio;

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

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

1 (e) A representative of labor interests, appointed by the governor,
2 (~~with the consent of the senate,~~) after consultation with
3 representatives of organized labor;

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

6 (g) Five members of the public appointed by the governor, (~~with
7 the consent of the senate,~~) on the basis of geographic distribution
8 and their expertise in housing, real estate, finance, energy
9 efficiency, or construction, one of whom shall be appointed by the
10 governor as chair of the commission and who shall serve on the
11 commission and as chair of the commission at the pleasure of the
12 governor.

13 (3) The term of the persons appointed by the governor, other than
14 the chair, shall be four years from the date of their appointment,
15 except that the terms of three of the initial appointees shall be for
16 two years from the date of their appointment. The governor shall
17 designate the appointees who will serve the two-year terms. An
18 appointee may be removed by the governor for cause pursuant to RCW
19 43.06.070 and 43.06.080. The governor shall fill any vacancy in an
20 appointed position by appointment for the remainder of the unexpired
21 term. If the department of community, trade, and economic development
22 is abolished, the resulting vacancy shall be filled by a state official
23 who shall be appointed to the commission by the governor. (~~If this
24 official occupies an office or position for which senate confirmation
25 is not required, then his or her appointment to the commission shall be
26 subject to the consent of the senate.~~) The members of the commission
27 shall be compensated in accordance with RCW 43.03.240 and may be
28 reimbursed, solely from the funds of the commission, for expenses
29 incurred in the discharge of their duties under this chapter, subject
30 to the provisions of RCW 43.03.050 and 43.03.060. A majority of the
31 commission constitutes a quorum. Designees shall be appointed in such
32 manner and shall exercise such powers as are specified by the rules of
33 the commission.

34 ~~((3))~~ (4) Appointments made under this section are subject to the
35 advice and consent of the senate. No appointee may serve in the
36 position to which he or she is appointed for a period of more than one
37 year without the confirmation and approval of that appointee by the
38 senate, during an officially convened legislative session.

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

6 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 immediately.

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