
SUBSTITUTE SENATE BILL 6529

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Benton, Mulliken, Murray, Oke, Stevens, Zarelli, Esser, Hewitt, Hale, Schmidt, Johnson and Honeyford)

READ FIRST TIME 02/09/04.

1 AN ACT Relating to requiring senate confirmation of certain
2 commission and department appointments; amending RCW 9.46.040,
3 9.94A.880, 18.64.001, 18.85.071, 28A.410.200, 28A.655.020, 28B.07.030,
4 28B.20.100, 28B.30.100, 28B.35.100, 28B.40.100, 28B.65.040, 28C.18.020,
5 36.102.030, 38.12.010, 39.19.030, 41.05.021, 41.06.110, 41.58.010,
6 42.17.350, 43.06.092, 43.06A.020, 43.17.020, 43.21B.020, 43.41.060,
7 43.43.020, 43.78.010, 43.97.025, 43.105.047, 43.180.040, 43.210.030,
8 47.01.051, 47.64.280, 49.60.050, 50.08.010, 51.52.010, 66.08.012,
9 67.16.012, 67.70.030, 67.70.050, 72.23.025, 72.41.020, 72.42.021,
10 74.18.040, 76.09.210, 77.04.030, 77.75.040, 77.85.110, 79A.05.015,
11 82.03.020, 88.16.010, 9.95.003, 28B.35.100, 28B.40.100, 28B.50.050,
12 28B.50.100, 41.64.010, 43.33A.020, 43.52.374, 43.52A.030, 43.105.800,
13 49.04.010, and 80.01.010; reenacting and amending RCW 28B.80.390; and
14 providing an expiration date.

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

16 **Sec. 1.** RCW 9.46.040 and 1974 ex.s. c 155 s 12 are each amended to
17 read as follows:

18 There shall be a commission, known as the "Washington state
19 gambling commission", consisting of five members appointed by the

1 governor (~~with the consent of the senate~~). The members of the
2 commission shall be appointed within thirty days of July 16, 1973 for
3 terms beginning July 1, 1973, and expiring as follows: One member of
4 the commission for a term expiring July 1, 1975; one member of the
5 commission for a term expiring July 1, 1976; one member of the
6 commission for a term expiring July 1, 1977; one member of the
7 commission for a term expiring July 1, 1978; and one member of the
8 commission for a term expiring July 1, 1979; each as the governor so
9 determines. Their successors, all of whom shall be citizen members
10 appointed by the governor (~~with the consent of the senate~~), upon
11 being appointed and qualified, shall serve six year terms: PROVIDED,
12 That no member of the commission who has served a full six year term
13 shall be eligible for reappointment. In case of a vacancy, it shall be
14 filled by appointment by the governor for the unexpired portion of the
15 term in which said vacancy occurs. No vacancy in the membership of the
16 commission shall impair the right of the remaining member or members to
17 act, except as in RCW 9.46.050(2) provided.

18 Gubernatorial appointments made under this section are subject to
19 the advice and consent of the senate.

20 In addition to the members of the commission there shall be four ex
21 officio members without vote from the legislature consisting of: (1)
22 Two members of the senate, one from the majority political party and
23 one from the minority political party, both to be appointed by the
24 president of the senate; (2) two members of the house of
25 representatives, one from the majority political party and one from the
26 minority political party, both to be appointed by the speaker of the
27 house of representatives; such appointments shall be for the term of
28 two years or for the period in which the appointee serves as a
29 legislator, whichever expires first; members may be reappointed;
30 vacancies shall be filled in the same manner as original appointments
31 are made. Such ex officio members who shall collect data deemed
32 essential to future legislative proposals and exchange information with
33 the board shall be deemed engaged in legislative business while in
34 attendance upon the business of the board and shall be limited to such
35 allowances therefor as otherwise provided in RCW 44.04.120, the same to
36 be paid from the "gambling revolving fund" as being expenses relative
37 to commission business.

1 **Sec. 2.** RCW 9.94A.880 and 1981 c 137 s 25 are each amended to read
2 as follows:

3 (1) The clemency and pardons board is established as a board within
4 the office of the governor. The board consists of five members
5 appointed by the governor(~~(, subject to confirmation by the senate)~~).

6 (2) Members of the board shall serve terms of four years and until
7 their successors are appointed and confirmed. However, the governor
8 shall stagger the terms by appointing one of the initial members for
9 a term of one year, one for a term of two years, one for a term of
10 three years, and two for terms of four years.

11 (3) The board shall elect a chairman from among its members and
12 shall adopt bylaws governing the operation of the board.

13 (4) Members of the board shall receive no compensation but shall be
14 reimbursed for travel expenses as provided in RCW 43.03.050 and
15 43.03.060 as now existing or hereafter amended.

16 (5) The attorney general shall provide a staff as needed for the
17 operation of the board.

18 (6) Appointments made under this section are subject to the advice
19 and consent of the senate.

20 **Sec. 3.** RCW 18.64.001 and 1984 c 153 s 1 are each amended to read
21 as follows:

22 There shall be a state board of pharmacy consisting of seven
23 members, to be appointed by the governor (~~(by and with the advice and~~
24 ~~consent of the senate)~~). Five of the members shall be designated as
25 pharmacist members and two of the members shall be designated a public
26 member.

27 Each pharmacist member shall be a citizen of the United States and
28 a resident of this state, and at the time of his appointment shall have
29 been a duly registered pharmacist under the laws of this state for a
30 period of at least five consecutive years immediately preceding his
31 appointment and shall at all times during his incumbency continue to be
32 a duly licensed pharmacist: PROVIDED, That subject to the availability
33 of qualified candidates the governor shall appoint pharmacist members
34 representative of the areas of practice and geographically
35 representative of the state of Washington.

36 The public member shall be a citizen of the United States and a

1 resident of this state. The public member shall be appointed from the
2 public at large, but shall not be affiliated with any aspect of
3 pharmacy.

4 Members of the board shall hold office for a term of four years,
5 and the terms shall be staggered so that the terms of office of not
6 more than two members will expire simultaneously on the third Monday in
7 January of each year.

8 No person who has been appointed to and served for two four year
9 terms shall be eligible for appointment to the board.

10 Each member shall qualify by taking the usual oath of a state
11 officer, which shall be filed with the secretary of state, and each
12 member shall hold office for the term of his appointment and until his
13 successor is appointed and qualified.

14 In case of the resignation or disqualification of a member, or a
15 vacancy occurring from any cause, the governor shall appoint a
16 successor for the unexpired term.

17 Appointments made under this section are subject to the advice and
18 consent of the senate.

19 **Sec. 4.** RCW 18.85.071 and 1972 ex.s. c 139 s 6 are each amended to
20 read as follows:

21 There is established the real estate commission of the state of
22 Washington, consisting of the director of the commission and six
23 commission members who shall act in an advisory capacity to the
24 director.

25 The six commission members shall be appointed by the governor in
26 the following manner: For a term of six years each, with the exception
27 of the first appointees, who shall be appointed one for a term of one
28 year, one for a term of two years, one for a term of three years, one
29 for a term of four years, one for a term of five years, and one for a
30 term of six years, with all other subsequent appointees to be appointed
31 for a six year term. At least two of the commission members shall be
32 selected from the area in the state west of the Cascade mountain range
33 and at least two shall be selected from that area of the state east of
34 the Cascade mountain range. No commission member shall be appointed
35 who has had less than five years experience in the sale, operation, or
36 management of real estate in this state, or has had at least three
37 years experience in investigative work of a similar nature, preferably

1 in connection with the administration of real estate license law of
2 this state or elsewhere. Any vacancies on the commission shall be
3 filled by appointment by the governor for the unexpired term.

4 Appointments made under this section are subject to the advice and
5 consent of the senate.

6 **Sec. 5.** RCW 28A.410.200 and 2003 1st sp.s. c 22 s 1 are each
7 amended to read as follows:

8 (1)(a) The Washington professional educator standards board is
9 created, consisting of twenty members to be appointed by the governor
10 to four-year terms and the superintendent of public instruction, who
11 shall be an ex officio, nonvoting member.

12 (b) As the four-year terms of the first appointees expire or
13 vacancies to the board occur for the first time, the governor shall
14 appoint or reappoint the members of the board to one-year to four-year
15 staggered terms. Once the one-year to three-year terms expire, all
16 subsequent terms shall be for four years, with the terms expiring on
17 June 30th of the applicable year. The terms shall be staggered in such
18 a way that, where possible, the terms of members representing a
19 specific group do not expire simultaneously.

20 (c) No person may serve as a member of the board for more than two
21 consecutive full four-year terms.

22 (d) The governor shall annually appoint the chair of the board from
23 among the teachers and principals on the board. No board member may
24 serve as chair for more than two consecutive years.

25 (2) Seven of the members shall be public school teachers, one shall
26 be a private school teacher, three shall represent higher education
27 educator preparation programs, four shall be school administrators, two
28 shall be educational staff associates, one shall be a classified
29 employee who assists in public school student instruction, one shall be
30 a parent, and one shall be a member of the public.

31 (3) Public school teachers appointed to the board must:

32 (a) Have at least three years of teaching experience in a
33 Washington public school;

34 (b) Be currently certificated and actively employed in a teaching
35 position; and

36 (c) Include one teacher currently teaching at the elementary school

1 level, one at the middle school level, one at the high school level,
2 and one vocationally certificated.

3 (4) Private school teachers appointed to the board must:

4 (a) Have at least three years of teaching experience in a
5 Washington approved private school; and

6 (b) Be currently certificated and actively employed in a teaching
7 position in an approved private school.

8 (5) Appointees from higher education educator preparation programs
9 must include two representatives from institutions of higher education
10 as defined in RCW 28B.10.016 and one representative from an institution
11 of higher education as defined in RCW 28B.07.020(4).

12 (6) School administrators appointed to the board must:

13 (a) Have at least three years of administrative experience in a
14 Washington public school district;

15 (b) Be currently certificated and actively employed in a school
16 administrator position; and

17 (c) Include two public school principals, one Washington approved
18 private school principal, and one superintendent.

19 (7) Educational staff associates appointed to the board must:

20 (a) Have at least three years of educational staff associate
21 experience in a Washington public school district; and

22 (b) Be currently certificated and actively employed in an
23 educational staff associate position.

24 (8) Public school classified employees appointed to the board must:

25 (a) Have at least three years of experience in assisting in the
26 instruction of students in a Washington public school; and

27 (b) Be currently employed in a position that requires the employee
28 to assist in the instruction of students.

29 (9) Each major caucus of the house of representatives and the
30 senate shall submit a list of at least one public school teacher. In
31 making the public school teacher appointments, the governor shall
32 select one nominee from each list provided by each caucus. The
33 governor shall appoint the remaining members of the board from a list
34 of qualified nominees submitted to the governor by organizations
35 representative of the constituencies of the board, from applications
36 from other qualified individuals, or from both nominees and applicants.

37 (10) (~~All appointments to the board made by the governor shall be~~

1 ~~subject to confirmation by the senate.))~~ Appointments made under this
2 section are subject to the advice and consent of the senate.

3 (11) The governor shall appoint the members of the initial board no
4 later than June 1, 2000.

5 (12) In appointing board members, the governor shall consider the
6 diversity of the population of the state.

7 (13) Each member of the board shall be compensated in accordance
8 with RCW 43.03.240 and shall be reimbursed for travel expenses incurred
9 in carrying out the duties of the board in accordance with RCW
10 43.03.050 and 43.03.060.

11 (14) The governor may remove a member of the board for neglect of
12 duty, misconduct, malfeasance or misfeasance in office, or for
13 incompetency or unprofessional conduct as defined in chapter 18.130
14 RCW. In such a case, the governor shall file with the secretary of
15 state a statement of the causes for and the order of removal from
16 office, and the secretary of state shall send a certified copy of the
17 statement of causes and order of removal to the last known post office
18 address of the member.

19 (15) If a vacancy occurs on the board, the governor shall appoint
20 a replacement member from the nominees as specified in subsection (9)
21 of this section to fill the remainder of the unexpired term. When
22 filling a vacancy of a member nominated by a major caucus of the
23 legislature, the governor shall select the new member from a list of at
24 least one name submitted by the same caucus that provided the list from
25 which the retiring member was appointed.

26 (16) Members of the board shall hire an executive director and an
27 administrative assistant to reside in the office of the superintendent
28 of public instruction for administrative purposes only.

29 **Sec. 6.** RCW 28A.655.020 and 1999 c 388 s 101 are each amended to
30 read as follows:

31 (1) The academic achievement and accountability commission is
32 established.

33 (2) The primary purpose of the commission is to provide oversight
34 of the state's educational accountability system.

35 (3) The commission shall consist of nine members selected as
36 follows:

1 (a) One member shall be the superintendent of public instruction or
2 the superintendent's designee; and

3 (b) Eight members shall be appointed by the governor. Four of the
4 members shall be selected as follows: Each major caucus of the house
5 of representatives and the senate shall submit a list of three names.
6 The lists may not include the names of members of the legislature. The
7 governor shall select a member from each list provided by each caucus.
8 ~~((All members appointed by the governor shall be subject to
9 confirmation by the senate.))~~ Gubernatorial appointments made under
10 this section are subject to the advice and consent of the senate.

11 (4) The governor shall appoint a chair from among the commission
12 members.

13 (5) Appointees shall be individuals who are supportive of
14 educational improvement, who have a positive record of service, and who
15 will devote sufficient time to the responsibilities of the commission
16 to ensure that the objectives of the commission are achieved. The
17 commission shall be composed of a balance of individuals from within
18 and outside the public education system. The commission shall include
19 educators, business leaders, and parents.

20 (6) The governor shall appoint its initial commission members by
21 July 1, 1999. The first meeting of the commission shall be convened by
22 the superintendent of public instruction no later than July 30, 1999.

23 (7) Appointed members shall serve for terms of four years, with the
24 terms expiring on June 30th of the fourth year of the term. However,
25 in the case of the initial members, four members shall serve four-year
26 terms, two members shall serve three-year terms, and two members shall
27 serve two-year terms, with each of the terms expiring on June 30th of
28 the applicable year. Appointees may be reappointed to serve more than
29 one term.

30 (8) The governor shall fill any vacancy in appointments that may
31 occur. When filling a vacancy of a member nominated by a major caucus
32 of the legislature, the governor shall select the new member from a
33 list of three names submitted by the same caucus that provided the list
34 from which the retiring member was appointed.

35 **Sec. 7.** RCW 28B.07.030 and 1985 c 370 s 48 are each amended to
36 read as follows:

37 (1) The Washington higher education facilities authority is hereby

1 established as a public body corporate and politic, with perpetual
2 corporate succession, constituting an agency of the state of Washington
3 exercising essential governmental functions. The authority is a
4 "public body" within the meaning of RCW 39.53.010.

5 (2) The authority shall consist of seven members as follows: The
6 governor, lieutenant governor, executive director of the higher
7 education coordinating board, and four public members, one of whom
8 shall be the president of a higher education institution at the time of
9 appointment. The public members shall be residents of the state and
10 appointed by the governor(~~(, subject to confirmation by the senate,)~~)
11 on the basis of their interest or expertise in the provision of higher
12 education and the financing of higher education. Gubernatorial
13 appointments made under this section are subject to the advice and
14 consent of the senate. The public members of the authority shall serve
15 for terms of four years. The initial terms of the public members shall
16 be staggered in a manner determined by the governor. In the event of
17 a vacancy on the authority due to death, resignation, or removal of one
18 of the public members, and upon the expiration of the term of any
19 public member, the governor shall appoint a successor for a term
20 expiring on the fourth anniversary of the successor's date of the
21 appointment. If any of the state offices are abolished, the resulting
22 vacancy on the authority shall be filled by the state officer who shall
23 succeed substantially to the power and duties of the abolished office.
24 Any public member of the authority may be removed by the governor for
25 misfeasance, malfeasance, willful neglect of duty, or any other cause
26 after notice and a public hearing, unless such notice and hearing shall
27 be expressly waived in writing.

28 (3) The governor shall serve as chairperson of the authority. The
29 authority shall elect annually one of its members as secretary. If the
30 governor shall be absent from a meeting of the authority, the secretary
31 shall preside. However, the governor may designate an employee of the
32 governor's office to act on the governor's behalf in all other respects
33 during the absence of the governor at any meeting of the authority. If
34 the designation is in writing and is presented to the person presiding
35 at the meetings of the authority who is included in the designation,
36 the vote of the designee has the same effect as if cast by the
37 governor.

1 (4) Any person designated by resolution of the authority shall keep
2 a record of the proceedings of the authority and shall be the custodian
3 of all books, documents, and papers filed with the authority, the
4 minute book or a journal of the authority, and the authority's official
5 seal, if any. The person may cause copies to be made of all minutes
6 and other records and documents of the authority, and may give
7 certificates to the effect that such copies are true copies. All
8 persons dealing with the authority may rely upon the certificates.

9 (5) Four members of the authority constitute a quorum. The
10 authority may act on the basis of a motion except when authorizing the
11 issuance and sale of bonds, in which case the authority shall act by
12 resolution. Bond resolutions and other resolutions shall be adopted
13 upon the affirmative vote of four members of the authority, and shall
14 be signed by those members voting yes. Motions shall be adopted upon
15 the affirmative vote of a majority of a quorum of members present at
16 any meeting of the authority. All actions taken by the authority shall
17 take effect immediately without need for publication or other public
18 notice. A vacancy in the membership of the authority does not impair
19 the power of the authority to act under this chapter.

20 (6) The members of the authority shall be compensated in accordance
21 with RCW 43.03.240 and shall be entitled to reimbursement, solely from
22 the funds of the authority, for travel expenses as determined by the
23 authority incurred in the discharge of their duties under this chapter.

24 **Sec. 8.** RCW 28B.20.100 and 1998 c 95 s 1 are each amended to read
25 as follows:

26 (1) The governance of the University of Washington shall be vested
27 in a board of regents to consist of ten members, one of whom shall be
28 a student. The governor shall select the student member from a list of
29 candidates, of at least three and not more than five, submitted by the
30 governing body of the associated students. They shall be appointed by
31 the governor (~~with the consent of the senate~~), and, except for the
32 student member, shall hold their offices for a term of six years from
33 the first day of October and until their successors shall be appointed
34 and qualified. The student member shall hold his or her office for a
35 term of one year from the first day of June until his or her successor
36 is appointed and qualified. The student member shall be a full-time
37 student in good standing at the university at the time of appointment.

1 (2) Six members of said board shall constitute a quorum for the
2 transaction of business. In the case of a vacancy, or when an
3 appointment is made after the date of the expiration of a term, the
4 governor shall fill the vacancy for the remainder of the term of the
5 regent whose office has become vacant or expired.

6 (3) Except for the term of the student member, no more than the
7 terms of two members will expire simultaneously on the last day of
8 September in any one year.

9 (4) A student appointed under this section shall excuse himself or
10 herself from participation or voting on matters relating to the hiring,
11 discipline, or tenure of faculty members and personnel.

12 (5) Appointments made under this section are subject to the advice
13 and consent of the senate.

14 **Sec. 9.** RCW 28B.30.100 and 1998 c 95 s 2 are each amended to read
15 as follows:

16 (1) The governance of Washington State University shall be vested
17 in a board of regents to consist of ten members one of whom shall be a
18 student. The governor shall select the student member from a list of
19 candidates, of at least three and not more than five, submitted by the
20 governing body of the associated students. They shall be appointed by
21 the governor, (~~by and with the consent of the senate~~) and, except for
22 the student member, shall hold their offices for a term of six years
23 from the first day of October and until their successors are appointed
24 and qualified. The student member shall hold his or her office for a
25 term of one year from the first day of June until his or her successor
26 is appointed and qualified. The student member shall be a full-time
27 student in good standing at the university at the time of appointment.

28 (2) Six members of said board shall constitute a quorum for the
29 transaction of business. In the case of a vacancy or when an
30 appointment is made after the date of the expiration of a term, the
31 governor shall fill the vacancy for the remainder of the term of the
32 regent whose office has become vacant or expired.

33 (3) Except for the term of the student member, no more than the
34 terms of two members will expire simultaneously on the last day of
35 September in any one year.

36 (4) Each regent shall, before entering upon the discharge of his
37 respective duties as such, execute a good and sufficient bond to the

1 state of Washington, with two or more sufficient sureties, residents of
2 the state, or with a surety company licensed to do business within the
3 state, in the penal sum of not less than five thousand dollars,
4 conditioned for the faithful performance of his duties as such regent:
5 PROVIDED, That the university shall pay any fees incurred for any such
6 bonds for their board members.

7 (5) A student appointed under this section shall excuse himself or
8 herself from participation or voting on matters relating to the hiring,
9 discipline, or tenure of faculty members and personnel.

10 (6) Appointments made under this section are subject to the advice
11 and consent of the senate.

12 **Sec. 10.** RCW 28B.35.100 and 1998 c 95 s 3 are each amended to read
13 as follows:

14 (1) The governance of each of the regional universities shall be
15 vested in a board of trustees consisting of eight members, one of whom
16 shall be a student. The governor shall select the student member from
17 a list of candidates, of at least three and not more than five,
18 submitted by the governing body of the associated students. They shall
19 be appointed by the governor (~~(with the consent of the senate)~~) and,
20 except for the student member, shall hold their offices for a term of
21 six years from the first day of October and until their successors are
22 appointed and qualified. The student member shall hold his or her
23 office for a term of one year from the first day of June and until his
24 or her successor is appointed and qualified. The student member shall
25 be a full-time student in good standing at the respective university at
26 the time of appointment.

27 (2) Five members of the board constitute a quorum for the
28 transaction of business. In case of a vacancy, or when an appointment
29 is made after the date of expiration of the term, the governor shall
30 fill the vacancy for the remainder of the term of the trustee whose
31 office has become vacant or expired.

32 (3) Except for the term of the student member, no more than the
33 terms of two members will expire simultaneously on the last day of
34 September in any one year.

35 (4) A student appointed under this section shall excuse himself or
36 herself from participation or voting on matters relating to the hiring,
37 discipline, or tenure of faculty members and personnel.

1 (5) Appointments made under this section are subject to the advice
2 and consent of the senate.

3 **Sec. 11.** RCW 28B.40.100 and 1998 c 95 s 4 are each amended to read
4 as follows:

5 (1) The governance of The Evergreen State College shall be vested
6 in a board of trustees consisting of eight members, one of whom shall
7 be a student. The governor shall select the student member from a list
8 of candidates, of at least three and not more than five, submitted by
9 the student body. They shall be appointed by the governor (~~with the~~
10 ~~consent of the senate~~) and, except for the student member, shall hold
11 their offices for a term of six years from the first day of October and
12 until their successors are appointed and qualified. The student member
13 shall hold his or her office for a term of one year from the first day
14 of June and until his or her successor is appointed and qualified. The
15 student member shall be a full-time student in good standing at the
16 college at the time of appointment.

17 (2) Five members of the board constitute a quorum for the
18 transaction of business. In case of a vacancy, or when an appointment
19 is made after the date of expiration of the term, the governor shall
20 fill the vacancy for the remainder of the term of the trustee whose
21 office has become vacant or expired.

22 (3) Except for the term of the student member, no more than the
23 terms of two members will expire simultaneously on the last day of
24 September in any one year.

25 (4) A student appointed under this section shall excuse himself or
26 herself from participation or voting on matters relating to the hiring,
27 discipline, or tenure of faculty members and personnel.

28 (5) Appointments made under this section are subject to the advice
29 and consent of the senate.

30 **Sec. 12.** RCW 28B.65.040 and 1995 c 399 s 29 are each amended to
31 read as follows:

32 (1) The Washington high-technology coordinating board is hereby
33 created.

34 (2) The board shall be composed of eighteen members as follows:

35 (a) Eleven shall be citizen members appointed by the governor(~~(~~
36 ~~with the consent of the senate,~~) for four-year terms. In making the

1 appointments the governor shall ensure that a balanced geographic
2 representation of the state is achieved and shall attempt to choose
3 persons experienced in high-technology fields, including at least one
4 representative of labor. Any person appointed to fill a vacancy
5 occurring before a term expires shall be appointed only for the
6 remainder of that term; and

7 (b) Seven of the members shall be as follows: One representative
8 from each of the state's two research universities, one representative
9 of the state college and regional universities, the director for the
10 state system of community and technical colleges or the director's
11 designee, the superintendent of public instruction or the
12 superintendent's designee, a representative of the higher education
13 coordinating board, and the director of the department of community,
14 trade, and economic development or the director's designee.

15 (3) Members of the board shall not receive any salary for their
16 services, but shall be reimbursed for travel expenses under RCW
17 43.03.050 and 43.03.060 for each day actually spent in attending to
18 duties as a member of the board.

19 (4) A citizen member of the board shall not be, during the term of
20 office, a member of the governing board of any public or private
21 educational institution, or an employee of any state or local agency.

22 (5) Appointments made under this section are subject to the advice
23 and consent of the senate.

24 **Sec. 13.** RCW 28B.80.390 and 2002 c 348 s 1 and 2002 c 129 s 1 are
25 each reenacted and amended to read as follows:

26 The board shall consist of ten members, one of whom shall be a
27 student, who are representative of the public, including women and the
28 racial minority community. All members shall be appointed at large by
29 the governor (~~and approved by the senate~~). Appointments made under
30 this section are subject to the advice and consent of the senate.
31 Following the term of the chair serving on June 13, 2002, the board
32 shall select from its membership a chair and a vice-chair who shall
33 each serve a one-year term. The chair and vice-chair may serve more
34 than one term if selected to do so by the membership.

35 **Sec. 14.** RCW 28C.18.020 and 1991 c 238 s 3 are each amended to
36 read as follows:

1 (1) There is hereby created the work force training and education
2 coordinating board as a state agency and as the successor agency to the
3 state board for vocational education. Once the coordinating board has
4 convened, all references to the state board for vocational education in
5 the Revised Code of Washington shall be construed to mean the work
6 force training and education coordinating board, except that reference
7 to the state board for vocational education in RCW 49.04.030 shall mean
8 the state board for community and technical colleges.

9 (2)(a) The board shall consist of nine voting members appointed by
10 the governor (~~((with the consent of the senate,))~~) as follows: Three
11 representatives of business, three representatives of labor, and,
12 serving as ex officio members, the superintendent of public
13 instruction, the executive director of the state board for community
14 and technical colleges, and the commissioner of the employment security
15 department. The chair of the board shall be a nonvoting member
16 selected by the governor with the consent of the senate, and shall
17 serve at the pleasure of the governor. In selecting the chair, the
18 governor shall seek a person who understands the future economic needs
19 of the state and nation and the role that the state's training system
20 has in meeting those needs. Each voting member of the board may
21 appoint a designee to function in his or her place with the right to
22 vote. In making appointments to the board, the governor shall seek to
23 ensure geographic, ethnic, and gender diversity and balance. The
24 governor shall also seek to ensure diversity and balance by the
25 appointment of persons with disabilities.

26 (b) The business representatives shall be selected from among
27 nominations provided by a statewide business organization representing
28 a cross-section of industries. However, the governor may request, and
29 the organization shall provide, an additional list or lists from which
30 the governor shall select the business representatives. The
31 nominations and selections shall reflect the cultural diversity of the
32 state, including women, people with disabilities, and racial and ethnic
33 minorities, and diversity in sizes of businesses.

34 (c) The labor representatives shall be selected from among
35 nominations provided by statewide labor organizations. However, the
36 governor may request, and the organizations shall provide, an
37 additional list or lists from which the governor shall select the labor

1 representatives. The nominations and selections shall reflect the
2 cultural diversity of the state, including women, people with
3 disabilities, and racial and ethnic minorities.

4 (d) Each business member may cast a proxy vote or votes for any
5 business member who is not present and who authorizes in writing the
6 present member to cast such vote.

7 (e) Each labor member may cast a proxy vote for any labor member
8 who is not present and who authorizes in writing the present member to
9 cast such vote.

10 (f) The chair shall appoint to the board one nonvoting member to
11 represent racial and ethnic minorities, women, and people with
12 disabilities. The nonvoting member appointed by the chair shall serve
13 for a term of four years with the term expiring on June 30th of the
14 fourth year of the term.

15 (g) The business members of the board shall serve for terms of four
16 years, the terms expiring on June 30th of the fourth year of the term
17 except that in the case of initial members, one shall be appointed to
18 a two-year term and one appointed to a three-year term.

19 (h) The labor members of the board shall serve for terms of four
20 years, the terms expiring on June 30th of the fourth year of the term
21 except that in the case of initial members, one shall be appointed to
22 a two-year term and one appointed to a three-year term.

23 (i) Any vacancies among board members representing business or
24 labor shall be filled by the governor with nominations provided by
25 statewide organizations representing business or labor, respectively.

26 (j) The board shall adopt bylaws and shall meet at least bimonthly
27 and at such other times as determined by the chair who shall give
28 reasonable prior notice to the members or at the request of a majority
29 of the voting members.

30 (k) Members of the board shall be compensated in accordance with
31 RCW 43.03.040 and shall receive travel expenses in accordance with RCW
32 43.03.050 and 43.03.060.

33 (l) The board shall be formed and ready to assume its
34 responsibilities under this chapter by October 1, 1991.

35 (m) The director of the board shall be appointed by the governor
36 from a list of three names submitted by a committee made up of the
37 business and labor members of the board. However, the governor may
38 request, and the committee shall provide, an additional list or lists

1 from which the governor shall select the director. The lists compiled
2 by the committee shall not be subject to public disclosure. The
3 governor may dismiss the director only with the approval of a majority
4 vote of the board. The board, by a majority vote, may dismiss the
5 director with the approval of the governor.

6 (n) Appointments made under this section are subject to the advice
7 and consent of the senate.

8 (3) The state board for vocational education is hereby abolished
9 and its powers, duties, and functions are hereby transferred to the
10 work force training and education coordinating board. All references
11 to the director or the state board for vocational education in the
12 Revised Code of Washington shall be construed to mean the director or
13 the work force training and education coordinating board.

14 **Sec. 15.** RCW 36.102.030 and 1997 c 220 s 103 are each amended to
15 read as follows:

16 (1) A public stadium authority shall be governed by a board of
17 directors consisting of seven members appointed by the governor. The
18 speaker of the house of representatives, the minority leader of the
19 house of representatives, the majority leader of the senate, and the
20 minority leader of the senate shall each recommend to the governor a
21 person to be appointed to the board.

22 (2) Members of the board of directors shall serve four-year terms
23 of office, except that three of the initial seven board members shall
24 serve two-year terms of office. The governor shall designate the
25 initial terms of office for the initial members who are appointed.

26 (3) A vacancy shall be filled in the same manner as the original
27 appointment was made and the person appointed to fill a vacancy shall
28 serve for the remainder of the unexpired term of the office for the
29 position to which he or she was appointed.

30 (4) A director appointed by the governor may be removed from office
31 by the governor.

32 (5) Appointments made under this section are subject to the advice
33 and consent of the senate.

34 **Sec. 16.** RCW 38.12.010 and 1989 c 19 s 11 are each amended to read
35 as follows:

36 The governor(~~(, with the advice and consent of the senate,)~~) shall

1 appoint an adjutant general who shall be chief of staff to the
2 governor, and may be removed by the governor at will. The adjutant
3 general shall appoint the civilian employees and other personnel of the
4 department and may remove any of them in accordance with applicable
5 law.

6 The expenses of the adjutant general's department, necessary to the
7 military service, shall be audited, allowed, and paid as other military
8 expenditures.

9 The adjutant general must execute an official bond running to the
10 state in the penal sum of twenty thousand dollars conditioned for the
11 faithful performance of his or her duties. The bond shall be submitted
12 to the attorney general for approval, and when approved shall be filed
13 in the office of the secretary of state. The cost of the bond shall be
14 paid by the state.

15 The adjutant general may obtain and pay for, from funds
16 appropriated for military purposes, a surety bond or bonds running to
17 the state covering such officers of the organized militia responsible
18 to the state for money or military property, as may be advisable to
19 insure proper accountability. The bond or bonds shall be approved and
20 filed in the same manner as the adjutant general's bond.

21 Gubernatorial appointments made under this section are subject to
22 the advice and consent of the senate.

23 **Sec. 17.** RCW 39.19.030 and 1996 c 69 s 5 are each amended to read
24 as follows:

25 There is hereby created the office of minority and women's business
26 enterprises. The governor shall appoint a director for the office(~~(~~
27 ~~subject to confirmation by the senate)~~). The director may employ a
28 deputy director and a confidential secretary, both of which shall be
29 exempt under chapter 41.06 RCW, and such staff as are necessary to
30 carry out the purposes of this chapter.

31 Gubernatorial appointments made under this section are subject to
32 the advice and consent of the senate.

33 The office shall consult with the minority and women's business
34 enterprises advisory committee to:

35 (1) Develop, plan, and implement programs to provide an opportunity
36 for participation by qualified minority and women-owned and controlled

1 businesses in public works and the process by which goods and services
2 are procured by state agencies and educational institutions from the
3 private sector;

4 (2) Develop a comprehensive plan insuring that qualified minority
5 and women-owned and controlled businesses are provided an opportunity
6 to participate in public contracts for public works and goods and
7 services;

8 (3) Identify barriers to equal participation by qualified minority
9 and women-owned and controlled businesses in all state agency and
10 educational institution contracts;

11 (4) Establish annual overall goals for participation by qualified
12 minority and women-owned and controlled businesses for each state
13 agency and educational institution to be administered on a contract-by-
14 contract basis or on a class-of-contracts basis;

15 (5) Develop and maintain a central minority and women's business
16 enterprise certification list for all state agencies and educational
17 institutions. No business is entitled to certification under this
18 chapter unless it meets the definition of small business concern as
19 established by the office. All applications for certification under
20 this chapter shall be sworn under oath;

21 (6) Develop, implement, and operate a system of monitoring
22 compliance with this chapter;

23 (7) Adopt rules under chapter 34.05 RCW, the Administrative
24 Procedure Act, governing: (a) Establishment of agency goals; (b)
25 development and maintenance of a central minority and women's business
26 enterprise certification program, including a definition of "small
27 business concern" which shall be consistent with the small business
28 requirements defined under section 3 of the Small Business Act, 15
29 U.S.C. Sec. 632, and its implementing regulations as guidance; (c)
30 procedures for monitoring and enforcing compliance with goals,
31 regulations, contract provisions, and this chapter; (d) utilization of
32 standard clauses by state agencies and educational institutions, as
33 specified in RCW 39.19.050; and (e) determination of an agency's or
34 educational institution's goal attainment consistent with the
35 limitations of RCW 39.19.075;

36 (8) Submit an annual report to the governor and the legislature
37 outlining the progress in implementing this chapter;

1 (9) Investigate complaints of violations of this chapter with the
2 assistance of the involved agency or educational institution; and

3 (10) Cooperate and act jointly or by division of labor with the
4 United States or other states, and with political subdivisions of the
5 state of Washington and their respective minority, socially and
6 economically disadvantaged and women business enterprise programs to
7 carry out the purposes of this chapter. However, the power which may
8 be exercised by the office under this subsection permits investigation
9 and imposition of sanctions only if the investigation relates to a
10 possible violation of chapter 39.19 RCW, and not to violation of local
11 ordinances, rules, regulations, however denominated, adopted by
12 political subdivisions of the state.

13 **Sec. 18.** RCW 41.05.021 and 2002 c 142 s 1 are each amended to read
14 as follows:

15 (1) The Washington state health care authority is created within
16 the executive branch. The authority shall have an administrator
17 appointed by the governor(~~(, with the consent of the senate)~~).
18 Gubernatorial appointments made under this section are subject to the
19 advice and consent of the senate. The administrator shall serve at the
20 pleasure of the governor. The administrator may employ up to seven
21 staff members, who shall be exempt from chapter 41.06 RCW, and any
22 additional staff members as are necessary to administer this chapter.
23 The administrator may delegate any power or duty vested in him or her
24 by this chapter, including authority to make final decisions and enter
25 final orders in hearings conducted under chapter 34.05 RCW. The
26 primary duties of the authority shall be to: Administer state
27 employees' insurance benefits and retired or disabled school employees'
28 insurance benefits; administer the basic health plan pursuant to
29 chapter 70.47 RCW; study state-purchased health care programs in order
30 to maximize cost containment in these programs while ensuring access to
31 quality health care; and implement state initiatives, joint purchasing
32 strategies, and techniques for efficient administration that have
33 potential application to all state-purchased health services. The
34 authority's duties include, but are not limited to, the following:

35 (a) To administer health care benefit programs for employees and
36 retired or disabled school employees as specifically authorized in RCW

1 41.05.065 and in accordance with the methods described in RCW
2 41.05.075, 41.05.140, and other provisions of this chapter;

3 (b) To analyze state-purchased health care programs and to explore
4 options for cost containment and delivery alternatives for those
5 programs that are consistent with the purposes of those programs,
6 including, but not limited to:

7 (i) Creation of economic incentives for the persons for whom the
8 state purchases health care to appropriately utilize and purchase
9 health care services, including the development of flexible benefit
10 plans to offset increases in individual financial responsibility;

11 (ii) Utilization of provider arrangements that encourage cost
12 containment, including but not limited to prepaid delivery systems,
13 utilization review, and prospective payment methods, and that ensure
14 access to quality care, including assuring reasonable access to local
15 providers, especially for employees residing in rural areas;

16 (iii) Coordination of state agency efforts to purchase drugs
17 effectively as provided in RCW 70.14.050;

18 (iv) Development of recommendations and methods for purchasing
19 medical equipment and supporting services on a volume discount basis;
20 and

21 (v) Development of data systems to obtain utilization data from
22 state-purchased health care programs in order to identify cost centers,
23 utilization patterns, provider and hospital practice patterns, and
24 procedure costs, utilizing the information obtained pursuant to RCW
25 41.05.031;

26 (c) To analyze areas of public and private health care interaction;

27 (d) To provide information and technical and administrative
28 assistance to the board;

29 (e) To review and approve or deny applications from counties,
30 municipalities, and other political subdivisions of the state to
31 provide state-sponsored insurance or self-insurance programs to their
32 employees in accordance with the provisions of RCW 41.04.205, setting
33 the premium contribution for approved groups as outlined in RCW
34 41.05.050;

35 ~~(f) ((To appoint a health care policy technical advisory committee
36 as required by RCW 41.05.150;~~

37 ~~(g))~~ To establish billing procedures and collect funds from school

1 districts and educational service districts under RCW 28A.400.400 in a
2 way that minimizes the administrative burden on districts;

3 ~~((h))~~ (g) To publish and distribute to nonparticipating school
4 districts and educational service districts by October 1st of each year
5 a description of health care benefit plans available through the
6 authority and the estimated cost if school districts and educational
7 service district employees were enrolled; and

8 ~~((i))~~ (h) To promulgate and adopt rules consistent with this
9 chapter as described in RCW 41.05.160.

10 (2) On and after January 1, 1996, the public employees' benefits
11 board may implement strategies to promote managed competition among
12 employee health benefit plans. Strategies may include but are not
13 limited to:

14 (a) Standardizing the benefit package;

15 (b) Soliciting competitive bids for the benefit package;

16 (c) Limiting the state's contribution to a percent of the lowest
17 priced qualified plan within a geographical area;

18 (d) Monitoring the impact of the approach under this subsection
19 with regards to: Efficiencies in health service delivery, cost shifts
20 to subscribers, access to and choice of managed care plans statewide,
21 and quality of health services. The health care authority shall also
22 advise on the value of administering a benchmark employer-managed plan
23 to promote competition among managed care plans.

24 **Sec. 19.** RCW 41.06.110 and 2002 c 354 s 210 are each amended to
25 read as follows:

26 (1) There is hereby created a Washington personnel resources board
27 composed of three members appointed by the governor(~~(, subject to~~
28 ~~confirmation by the senate)~~). The members of the personnel board
29 serving June 30, 1993, shall be the members of the Washington personnel
30 resources board, and they shall complete their terms as under the
31 personnel board. Each odd-numbered year thereafter the governor shall
32 appoint a member for a six-year term. Each member shall continue to
33 hold office after the expiration of the member's term until a successor
34 has been appointed. Persons so appointed shall have clearly
35 demonstrated an interest and belief in the merit principle, shall not
36 hold any other employment with the state, shall not have been an
37 officer of a political party for a period of one year immediately prior

1 to such appointment, and shall not be or become a candidate for
2 partisan elective public office during the term to which they are
3 appointed;

4 (2) Each member of the board shall be compensated in accordance
5 with RCW 43.03.250. The members of the board may receive any number of
6 daily payments for official meetings of the board actually attended.
7 Members of the board shall also be reimbursed for travel expenses
8 incurred in the discharge of their official duties in accordance with
9 RCW 43.03.050 and 43.03.060.

10 (3) At its first meeting following the appointment of all of its
11 members, and annually thereafter, the board shall elect a chair and
12 vice-chair from among its members to serve one year. The presence of
13 at least two members of the board shall constitute a quorum to transact
14 business. A written public record shall be kept by the board of all
15 actions of the board. The director of personnel shall serve as
16 secretary.

17 (4) The board may appoint and compensate hearing officers to hear
18 and conduct appeals. Such compensation shall be paid on a contractual
19 basis for each hearing, in accordance with the provisions of chapter
20 43.88 RCW and rules adopted pursuant thereto, as they relate to
21 personal service contracts.

22 (5) Appointments made under this section are subject to the advice
23 and consent of the senate.

24 **Sec. 20.** RCW 41.58.010 and 1981 c 338 s 21 are each amended to
25 read as follows:

26 (1) There is hereby created the public employment relations
27 commission (hereafter called the "commission") to administer the
28 provisions of this chapter. The commission shall consist of three
29 members who shall be citizens appointed by the governor (~~by and with~~
30 ~~the advice and consent of the senate~~). One of the original members
31 shall be appointed for a term of three years, one for a term of four
32 years, and one for a term of five years. Their successors shall be
33 appointed for terms of five years each, except that any person chosen
34 to fill a vacancy shall be appointed only for the unexpired term of the
35 member whom he succeeds. Commission members shall be eligible for
36 reappointment. The governor shall designate one member to serve as
37 chairman of the commission. Any member of the commission may be

1 removed by the governor, upon notice and hearing, for neglect of duty
2 or malfeasance in office, but for no other cause. Commission members
3 shall not be eligible for state retirement under chapter 41.40 RCW by
4 virtue of their service on the commission.

5 (2) In making citizen member appointments initially, and
6 subsequently thereafter, the governor shall be cognizant of the
7 desirability of appointing persons knowledgeable in the area of labor
8 relations in the state.

9 (3) A vacancy in the commission shall not impair the right of the
10 remaining members to exercise all of the powers of the commission, and
11 two members of the commission shall, at all times, constitute a quorum
12 of the commission.

13 (4) The commission shall at the close of each fiscal year make a
14 report in writing to the legislature and to the governor stating the
15 cases it has heard, the decisions it has rendered, the names, salaries,
16 and duties of all employees and officers in the employ or under the
17 supervision of the commission, and an account of all moneys it has
18 disbursed.

19 (5) Appointments made under this section are subject to the advice
20 and consent of the senate.

21 **Sec. 21.** RCW 42.17.350 and 1998 c 30 s 1 are each amended to read
22 as follows:

23 (1) There is hereby established a "public disclosure commission"
24 which shall be composed of five members who shall be appointed by the
25 governor(~~(, with the consent of the senate)~~). All appointees shall be
26 persons of the highest integrity and qualifications. No more than
27 three members shall have an identification with the same political
28 party.

29 (2) The term of each member shall be five years. No member is
30 eligible for appointment to more than one full term. Any member may be
31 removed by the governor, but only upon grounds of neglect of duty or
32 misconduct in office.

33 (3) Appointments made under this section are subject to the advice
34 and consent of the senate.

35 (4) During his or her tenure, a member of the commission is
36 prohibited from engaging in any of the following activities, either
37 within or outside the state of Washington:

1 (a) Holding or campaigning for elective office;

2 (b) Serving as an officer of any political party or political
3 committee;

4 (c) Permitting his or her name to be used in support of or in
5 opposition to a candidate or proposition;

6 (d) Soliciting or making contributions to a candidate or in support
7 of or in opposition to any candidate or proposition;

8 (e) Participating in any way in any election campaign; or

9 (f) Lobbying, employing, or assisting a lobbyist, except that a
10 member or the staff of the commission may lobby to the limited extent
11 permitted by RCW 42.17.190 on matters directly affecting this chapter.

12 ~~((+4))~~ (5) A vacancy on the commission shall be filled within
13 thirty days of the vacancy by the governor, with the consent of the
14 senate, and the appointee shall serve for the remaining term of his or
15 her predecessor. A vacancy shall not impair the powers of the
16 remaining members to exercise all of the powers of the commission.

17 ~~((+5))~~ (6) Three members of the commission shall constitute a
18 quorum. The commission shall elect its own chair and adopt its own
19 rules of procedure in the manner provided in chapter 34.05 RCW.

20 ~~((+6))~~ (7) Members shall be compensated in accordance with RCW
21 43.03.250 and in addition shall be reimbursed for travel expenses
22 incurred while engaged in the business of the commission as provided in
23 RCW 43.03.050 and 43.03.060. The compensation provided pursuant to
24 this section shall not be considered salary for purposes of the
25 provisions of any retirement system created pursuant to the general
26 laws of this state.

27 **Sec. 22.** RCW 43.06.092 and 1981 c 338 s 2 are each amended to read
28 as follows:

29 (1) Any gubernatorial appointee subject to senate confirmation
30 shall continue to serve unless rejected by a vote of the senate. If
31 the senate does not vote on the appointment by the end of the next
32 regularly scheduled legislative session after his or her appointment,
33 the appointee shall be considered confirmed by the senate. An
34 appointee who is rejected by a vote of the senate shall not be
35 reappointed to the same position for a period of one year from
36 termination of service.

1 (2) Any person appointed by the governor to fill the unexpired term
2 of an appointment subject to senate confirmation must also be confirmed
3 by the senate.

4 **Sec. 23.** RCW 43.06A.020 and 1998 c 288 s 7 are each amended to
5 read as follows:

6 (1) (~~Subject to confirmation by the senate,~~) The governor shall
7 appoint an ombudsman who shall be a person of recognized judgment,
8 independence, objectivity, and integrity, and shall be qualified by
9 training or experience, or both, in family and children's services law
10 and policy. Prior to the appointment, the governor shall consult with,
11 and may receive recommendations from the committee, regarding the
12 selection of the ombudsman.

13 (2) The person appointed ombudsman shall hold office for a term of
14 three years and shall continue to hold office until reappointed or
15 until his or her successor is appointed. The governor may remove the
16 ombudsman only for neglect of duty, misconduct, or inability to perform
17 duties. Any vacancy shall be filled by similar appointment for the
18 remainder of the unexpired term.

19 (3) Appointments made under this section are subject to the advice
20 and consent of the senate.

21 **Sec. 24.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended
22 to read as follows:

23 There shall be a chief executive officer of each department to be
24 known as: (1) The secretary of social and health services, (2) the
25 director of ecology, (3) the director of labor and industries, (4) the
26 director of agriculture, (5) the director of fish and wildlife, (6) the
27 secretary of transportation, (7) the director of licensing, (8) the
28 director of general administration, (9) the director of community,
29 trade, and economic development, (10) the director of veterans affairs,
30 (11) the director of revenue, (12) the director of retirement systems,
31 (13) the secretary of corrections, (~~and~~) (14) the secretary of
32 health, and (15) the director of financial institutions.

33 Such officers, except the secretary of transportation and the
34 director of fish and wildlife, shall be appointed by the governor(~~with the consent of the senate,~~) and hold office at the pleasure of
35 the governor. The secretary of transportation shall be appointed by
36

1 the transportation commission as prescribed by RCW 47.01.041. The
2 director of fish and wildlife shall be appointed by the fish and
3 wildlife commission as prescribed by RCW 77.04.055.

4 Appointments made under this section are subject to the advice and
5 consent of the senate.

6 **Sec. 25.** RCW 43.21B.020 and 1970 ex.s. c 62 s 32 are each amended
7 to read as follows:

8 The hearings board shall consist of three members qualified by
9 experience or training in pertinent matters pertaining to the
10 environment, and at least one member of the hearings board shall have
11 been admitted to practice law in this state and engaged in the legal
12 profession at the time of his appointment. The hearings board shall be
13 appointed by the governor (~~with the advice and consent of the~~
14 ~~senate~~), and no more than two of whom at the time of appointment or
15 during their term shall be members of the same political party.

16 Appointments made under this section are subject to the advice and
17 consent of the senate.

18 **Sec. 26.** RCW 43.41.060 and 1979 c 151 s 112 are each amended to
19 read as follows:

20 The executive head of the office of financial management shall be
21 the director, who shall be appointed by the governor (~~with the consent~~
22 ~~of the senate~~), and who shall serve at the pleasure of the governor.
23 He shall be paid a salary to be fixed by the governor in accordance
24 with the provisions of RCW 43.03.040. If a vacancy occurs in his
25 position while the senate is not in session, the governor shall make a
26 temporary appointment until the next meeting of the senate, when he
27 shall present to that body his nomination for the office. The director
28 may delegate such of his powers, duties and functions to other officers
29 and employees of the department as he may deem necessary to the
30 fulfillment of the purposes of this chapter.

31 Appointments made under this section are subject to the advice and
32 consent of the senate.

33 **Sec. 27.** RCW 43.43.020 and 1983 c 144 s 1 are each amended to read
34 as follows:

1 The governor(~~(, with the advice and consent of the senate,)~~) shall
2 appoint the chief of the Washington state patrol, determine his
3 compensation, and may remove him at will.

4 The chief shall appoint a sufficient number of competent persons to
5 act as Washington state patrol officers, may remove them for cause, as
6 provided in this chapter, and shall make promotional appointments,
7 determine their compensation, and define their rank and duties, as
8 hereinafter provided.

9 The chief may appoint employees of the Washington state patrol to
10 serve as special deputies, with such restricted police authority as the
11 chief shall designate as being necessary and consistent with their
12 assignment to duty. Such appointment and conferral of authority shall
13 not qualify said employees for membership in the Washington state
14 patrol retirement system, nor shall it grant tenure of office as a
15 regular officer of the Washington state patrol.

16 The chief may personally appoint, with the consent of the state
17 treasurer, employees of the office of the state treasurer who are
18 qualified under the standards of the criminal justice training
19 commission, or who have comparable training and experience, to serve as
20 special deputies. The law enforcement powers of any special deputies
21 appointed in the office of the state treasurer shall be designated by
22 the chief and shall be restricted to those powers necessary to provide
23 for statewide security of the holdings or property of or under the
24 custody of the office of the state treasurer. These appointments may
25 be revoked by the chief at any time and shall be revoked upon the
26 written request of the state treasurer or by operation of law upon
27 termination of the special deputy's employment with the office of the
28 state treasurer or thirty days after the chief who made the appointment
29 leaves office. The chief shall be civilly immune for the acts of such
30 special deputies. Such appointment and conferral of authority shall
31 not qualify such employees for membership in the Washington state
32 patrol retirement system, nor shall it grant tenure of office as a
33 regular officer of the Washington state patrol.

34 Gubernatorial appointments made under this section are subject to
35 the advice and consent of the senate.

36 **Sec. 28.** RCW 43.78.010 and 1981 c 338 s 6 are each amended to read
37 as follows:

1 There shall be a public printer appointed by the governor (~~with~~
2 ~~the advice and consent of the senate~~)), who shall hold office at the
3 pleasure of the governor and until his successor is appointed and
4 qualified.

5 Appointments made under this section are subject to the advice and
6 consent of the senate.

7 **Sec. 29.** RCW 43.97.025 and 1987 c 499 s 2 are each amended to read
8 as follows:

9 (1) The governor, the Columbia River Gorge commission, and all
10 state agencies and counties are hereby directed and provided authority
11 to carry out their respective functions and responsibilities in
12 accordance with the compact executed pursuant to RCW 43.97.015, the
13 Columbia River Gorge National Scenic Area Act, and the provisions of
14 this chapter.

15 (2) The governor shall appoint three members of the Columbia River
16 Gorge commission who reside in the state of Washington, at least one of
17 whom shall be a resident of the scenic area as defined in the act.

18 (3)(a) The governing bodies of Clark, Klickitat, and Skamania
19 counties shall each appoint one member of the Columbia River Gorge
20 commission.

21 (b) In the event the governing body of a county fails to make the
22 appointments prescribed in section 5(a)(c)(1) of that act and (a) of
23 this subsection, the governor shall appoint any such member.

24 (4) Each member appointed by the governor (~~shall be subject to~~
25 ~~confirmation by the Washington state senate and~~) shall serve at the
26 pleasure of the governor until (~~their~~) the member's term (~~shall~~)
27 expires or until a disqualifying change in residence. Appointments
28 made under this section are subject to the advice and consent of the
29 senate.

30 (5) Of those members appointed to the Columbia River Gorge
31 commission by the governing body of the counties of Clark, Klickitat,
32 and Skamania, the governor shall designate one member to serve for a
33 term of five years and one to serve for six years. Of those members
34 appointed directly by the governor pursuant to RCW 43.97.015, the
35 governor shall designate one to serve a term of five years and one to
36 serve a term of six years. All other members shall serve a period of
37 four years.

1 Neither the governor nor governing body of any of the counties may
2 appoint federal, state, or local elected or appointed officials as
3 members to the Columbia River Gorge commission.

4 Vacancies shall be filled in accordance with the appointing
5 procedure for the commission member occupying the seat before its
6 vacancy.

7 **Sec. 30.** RCW 43.105.047 and 1999 c 80 s 5 are each amended to read
8 as follows:

9 There is created the department of information services. The
10 department shall be headed by a director appointed by the governor
11 (~~with the consent of the senate~~). Gubernatorial appointments made
12 under this section are subject to the advice and consent of the senate.

13 The director shall serve at the governor's pleasure and shall receive
14 such salary as determined by the governor. The director shall:

15 (1) Appoint a confidential secretary and such deputy and assistant
16 directors as needed to administer the department;

17 (2) Maintain and fund a strategic planning and policy component
18 separate from the services component of the department;

19 (3) Appoint, after consulting with the board, the assistant or
20 deputy director for the planning component;

21 (4) Appoint such professional, technical, and clerical assistants
22 and employees as may be necessary to perform the duties imposed by this
23 chapter;

24 (5) Report to the governor and the board any matters relating to
25 abuses and evasions of this chapter; and

26 (6) Recommend statutory changes to the governor and the board.

27 **Sec. 31.** RCW 43.180.040 and 1995 c 399 s 98 are each amended to
28 read as follows:

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

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

1 (a) The state treasurer, ex officio;

2 (b) The director of community, trade, and economic development, ex
3 officio;

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

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

9 (e) A representative of labor interests, appointed by the governor,
10 (~~((with the consent of the senate,))~~) after consultation with
11 representatives of organized labor;

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

14 (g) Five members of the public appointed by the governor, (~~((with
15 the consent of the senate,))~~) on the basis of geographic distribution
16 and their expertise in housing, real estate, finance, energy
17 efficiency, or construction, one of whom shall be appointed by the
18 governor as chair of the commission and who shall serve on the
19 commission and as chair of the commission at the pleasure of the
20 governor.

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

1 commission constitutes a quorum. Designees shall be appointed in such
2 manner and shall exercise such powers as are specified by the rules of
3 the commission.

4 ~~((3))~~ (4) Appointments made under this section are subject to the
5 advice and consent of the senate.

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

11 **Sec. 32.** RCW 43.210.030 and 1998 c 109 s 2 are each amended to
12 read as follows:

13 The small business export finance assistance center and its
14 branches shall be governed and managed by a board of seven directors
15 appointed by the governor, with the advice of the board ~~((, and~~
16 ~~confirmed by the senate))~~. The directors shall serve terms of four
17 years following the terms of service established by the initial
18 appointments after June 11, 1998. Three appointees, including
19 directors on June 11, 1998, who are reappointed, must serve initial
20 terms of two years and, if a director is reappointed that director may
21 serve a consecutive four-year term. Four appointees, including
22 directors on June 11, 1998, who are reappointed, must serve initial
23 terms of four years and, if a director is reappointed that director may
24 serve a consecutive four-year term. After the initial appointments,
25 directors may serve two consecutive terms. The directors may provide
26 for the payment of their expenses. The directors shall include the
27 director of community, trade, and economic development or the
28 director's designee; representatives of a large financial institution
29 engaged in financing export transactions in the state of Washington; a
30 small financial institution engaged in financing export transactions in
31 the state of Washington; a large exporting company domiciled in the
32 state of Washington; a small exporting company in the state of
33 Washington; organized labor in a trade involved in international
34 commerce; and a representative at large. To the extent possible,
35 appointments to the board shall reflect geographical balance and the
36 diversity of the state population. Any vacancies on the board due to

1 the expiration of a term or for any other reason shall be filled by
2 appointment by the governor for the unexpired term.

3 Appointments made under this section are subject to the advice and
4 consent of the senate.

5 **Sec. 33.** RCW 47.01.051 and 1977 ex.s. c 151 s 5 are each amended
6 to read as follows:

7 There is hereby created a transportation commission, which shall
8 consist of seven members appointed by the governor(~~(, with the consent~~
9 ~~of the senate)~~). The present five members of the highway commission
10 shall serve as five initial members of the transportation commission
11 until their terms of office as highway commission members would have
12 expired. The additional two members provided herein for the
13 transportation commission shall be appointed for initial terms to
14 expire on June 30, 1982, and June 30, 1983. Thereafter all terms shall
15 be for six years. No elective state official or state officer or state
16 employee shall be a member of the commission, and not more than four
17 members of the commission shall at the time of appointment or
18 thereafter during their respective terms of office be members of the
19 same major political party. At the time of appointment or thereafter
20 during their respective terms of office, four members of the commission
21 shall reside in the western part of the state and three members shall
22 reside in the eastern part of the state as divided north and south by
23 the summit of the Cascade mountains. No more than two members of the
24 commission shall reside in the same county. Commissioners shall not be
25 removed from office by the governor before the expiration of their
26 terms unless for a disqualifying change of residence or for cause based
27 upon a determination of incapacity, incompetence, neglect of duty, or
28 malfeasance in office by the superior court of the state of Washington
29 in and for Thurston county upon petition and show cause proceedings
30 duly brought therefor in said court and directed to the commissioner in
31 question. No member shall be appointed for more than two consecutive
32 terms.

33 Appointments made under this section are subject to the advice and
34 consent of the senate.

35 **Sec. 34.** RCW 47.64.280 and 1984 c 287 s 95 are each amended to
36 read as follows:

1 (1) There is created the marine employees' commission. The
2 governor shall appoint the commission (~~with the consent of the~~
3 ~~senate~~). The commission shall consist of three members: One member
4 to be appointed from labor, one member from industry, and one member
5 from the public who has significant knowledge of maritime affairs. The
6 public member shall be chairman of the commission. One of the original
7 members shall be appointed for a term of three years, one for a term of
8 four years, and one for a term of five years. Their successors shall
9 be appointed for terms of five years each, except that any person
10 chosen to fill a vacancy shall be appointed only for the unexpired term
11 of the member whom he succeeds. Commission members are eligible for
12 reappointment. Any member of the commission may be removed by the
13 governor, upon notice and hearing, for neglect of duty or malfeasance
14 in office, but for no other cause. Commission members are not eligible
15 for state retirement under chapter 41.40 RCW by virtue of their service
16 on the commission. Members of the commission shall be compensated in
17 accordance with RCW 43.03.250 and shall receive reimbursement for
18 official travel and other expenses at the same rate and on the same
19 terms as provided for the transportation commission by RCW 47.01.061.
20 The payments shall be made from the Puget Sound ferry operations
21 account.

22 (2) Appointments made under this section are subject to the advice
23 and consent of the senate.

24 (3) The marine employees' commission shall: (a) Adjust all
25 complaints, grievances, and disputes between labor and management
26 arising out of the operation of the ferry system as provided in RCW
27 47.64.150; (b) provide for impasse mediation as required in RCW
28 47.64.210; (c) conduct fact-finding and provide salary surveys as
29 required in RCW 47.64.220; and (d) provide for the selection of an
30 impartial arbitrator as required in RCW 47.64.240(5).

31 ~~((3))~~ (4) In adjudicating all complaints, grievances, and
32 disputes, the party claiming labor disputes shall, in writing, notify
33 the marine employees' commission, which shall make careful inquiry into
34 the cause thereof and issue an order advising the ferry employee, or
35 the ferry employee organization representing him or her, and the
36 department of transportation, as to the decision of the commission.

37 The parties are entitled to offer evidence relating to disputes at

1 all hearings conducted by the commission. The orders and awards of the
2 commission are final and binding upon any ferry employee or employees
3 or their representative affected thereby and upon the department.

4 The commission shall adopt rules of procedure under chapter 34.05
5 RCW.

6 The commission has the authority to subpoena any ferry employee or
7 employees, or their representatives, and any member or representative
8 of the department, and any witnesses. The commission may require
9 attendance of witnesses and the production of all pertinent records at
10 any hearings held by the commission. The subpoenas of the commission
11 are enforceable by order of any superior court in the state of
12 Washington for the county within which the proceeding may be pending.
13 The commission may hire staff as necessary, appoint consultants, enter
14 into contracts, and conduct studies as reasonably necessary to carry
15 out this chapter.

16 **Sec. 35.** RCW 49.60.050 and 1985 c 185 s 3 are each amended to read
17 as follows:

18 There is created the "Washington state human rights commission,"
19 which shall be composed of five members to be appointed by the governor
20 (~~((with the advice and consent of the senate))~~), one of whom shall be
21 designated as chairperson by the governor.

22 Appointments made under this section are subject to the advice and
23 consent of the senate.

24 **Sec. 36.** RCW 50.08.010 and 1953 ex.s. c 8 s 3 are each amended to
25 read as follows:

26 There is established the employment security department for the
27 state, to be administered by a commissioner. The commissioner shall be
28 appointed by the governor (~~((with the consent of the senate))~~), and shall
29 hold office at the pleasure of, and receive such compensation for his
30 services as may be fixed by, the governor.

31 Appointments made under this section are subject to the advice and
32 consent of the senate.

33 **Sec. 37.** RCW 51.52.010 and 2003 c 224 s 1 are each amended to read
34 as follows:

35 There shall be a "board of industrial insurance appeals,"

1 hereinafter called the "board," consisting of three members appointed
2 by the governor(~~(, with the advice and consent of the senate,)~~) as
3 hereinafter provided. One shall be a representative of the public and
4 a lawyer, appointed from a mutually agreed to list of not less than
5 three active or judicial members of the Washington state bar
6 association, submitted to the governor by the two organizations defined
7 below, and such member shall be the chairperson of said board. The
8 second member shall be a representative of the majority of workers
9 engaged in employment under this title and selected from a list of not
10 less than three names submitted to the governor by an organization,
11 statewide in scope, which through its affiliates embraces a cross
12 section and a majority of the organized labor of the state. The third
13 member shall be a representative of employers under this title, and
14 appointed from a list of at least three names submitted to the governor
15 by a recognized statewide organization of employers, representing a
16 majority of employers. The initial terms of office of the members of
17 the board shall be for six, four, and two years respectively.
18 Thereafter all terms shall be for a period of six years. Each member
19 of the board shall be eligible for reappointment and shall hold office
20 until his or her successor is appointed and qualified. In the event of
21 a vacancy the governor is authorized to appoint a successor to fill the
22 unexpired term of his or her predecessor. All appointments to the
23 board shall be made in conformity with the foregoing plan. In the
24 event a board member becomes incapacitated in excess of thirty days
25 either due to his or her illness or that of an immediate family member
26 as determined by a request for family leave or as certified by the
27 affected member's treating physician, the governor shall appoint an
28 acting member to serve pro tem. Such an appointment shall be made in
29 conformity with the foregoing plan, except that the list of candidates
30 shall be submitted to the governor not more than fifteen days after the
31 affected organizations are notified of the incapacity and the governor
32 shall make the appointment within fifteen days after the list is
33 submitted. The temporary member shall serve until such time as the
34 affected member is able to reassume his or her duties by returning from
35 requested family leave or as determined by the treating physician or
36 until the affected member's term expires, whichever occurs first.
37 Whenever the workload of the board and its orderly and expeditious
38 disposition shall necessitate, the governor may appoint two additional

1 pro-tem members in addition to the regular members. Such appointments
2 shall be for a definite period of time, and shall be made from lists
3 submitted respectively by labor and industry as in the case of regular
4 members. One pro-tem member shall be a representative of labor and one
5 shall be a representative of industry. Members shall devote their
6 entire time to the duties of the board and shall receive for their
7 services a salary as fixed by the governor in accordance with the
8 provisions of RCW 43.03.040 which shall be in addition to travel
9 expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing
10 or hereafter amended. Headquarters for the board shall be located in
11 Olympia. The board shall adopt a seal which shall be judicially
12 recognized.

13 Appointments made under this section are subject to the advice and
14 consent of the senate.

15 **Sec. 38.** RCW 66.08.012 and 1961 c 307 s 7 are each amended to read
16 as follows:

17 There shall be a board, known as the "Washington state liquor
18 control board," consisting of three members, to be appointed by the
19 governor, (~~with the consent of the senate,~~) who shall each be paid an
20 annual salary to be fixed by the governor in accordance with the
21 provisions of RCW 43.03.040. The governor may, in his discretion,
22 appoint one of the members as chairman of the board, and a majority of
23 the members shall constitute a quorum of the board.

24 Appointments made under this section are subject to the advice and
25 consent of the senate.

26 **Sec. 39.** RCW 67.16.012 and 1998 c 345 s 4 are each amended to read
27 as follows:

28 There is hereby created the Washington horse racing commission, to
29 consist of five commissioners, appointed by the governor (~~and~~
30 ~~confirmed by the senate~~). The commissioners shall be citizens,
31 residents, and qualified electors of the state of Washington, one of
32 whom shall be a breeder of race horses and shall be of at least one
33 year's standing. The terms of the members shall be six years. Each
34 member shall hold office until his or her successor is appointed and
35 qualified. Vacancies in the office of commissioner shall be filled by
36 appointment to be made by the governor for the unexpired term. Any

1 commissioner may be removed at any time at the pleasure of the
2 governor. Before entering upon the duties of his or her office, each
3 commissioner shall enter into a surety company bond, to be approved by
4 the governor and attorney general, payable to the state of Washington,
5 in the penal sum of five thousand dollars, conditioned upon the
6 faithful performance of his or her duties and the correct accounting
7 and payment of all sums received and coming within his or her control
8 under this chapter, and in addition thereto each commissioner shall
9 take and subscribe to an oath of office of the same form as that
10 prescribed by law for elective state officers.

11 Appointments made under this section are subject to the advice and
12 consent of the senate.

13 **Sec. 40.** RCW 67.70.030 and 1982 2nd ex.s. c 7 s 3 are each amended
14 to read as follows:

15 There is created the state lottery commission to consist of five
16 members appointed by the governor (~~((with the consent of the senate))~~).
17 Of the initial members, one shall serve a term of two years, one shall
18 serve a term of three years, one shall serve a term of four years, one
19 shall serve a term of five years, and one shall serve a term of six
20 years. Their successors, all of whom shall be citizen members
21 appointed by the governor (~~((with the consent of the senate))~~), upon
22 being appointed and qualified, shall serve six-year terms. No member
23 of the commission who has served a full six-year term is eligible for
24 reappointment. In case of a vacancy, it shall be filled by appointment
25 by the governor for the unexpired portion of the term in which the
26 vacancy occurs.

27 The governor shall designate one member of the commission to serve
28 as chairman at the governor's pleasure.

29 A majority of the members shall constitute a quorum for the
30 transaction of business.

31 Appointments made under this section are subject to the advice and
32 consent of the senate.

33 **Sec. 41.** RCW 67.70.050 and 1998 c 245 s 106 are each amended to
34 read as follows:

35 There is created the office of director of the state lottery. The
36 director shall be appointed by the governor (~~((with the consent of the~~

1 senate)). Appointments made under this section are subject to the
2 advice and consent of the senate. The director shall serve at the
3 pleasure of the governor and shall receive such salary as is determined
4 by the governor, but in no case may the director's salary be more than
5 ninety percent of the salary of the governor. The director shall:

6 (1) Supervise and administer the operation of the lottery in
7 accordance with the provisions of this chapter and with the rules of
8 the commission.

9 (2) Appoint such deputy and assistant directors as may be required
10 to carry out the functions and duties of his office: PROVIDED, That
11 the provisions of the state civil service law, chapter 41.06 RCW, shall
12 not apply to such deputy and assistant directors.

13 (3) Appoint such professional, technical, and clerical assistants
14 and employees as may be necessary to perform the duties imposed by this
15 chapter: PROVIDED, That the provisions of the state civil service law,
16 chapter 41.06 RCW, shall not apply to such employees as are engaged in
17 undercover audit or investigative work or security operations but shall
18 apply to other employees appointed by the director, except as provided
19 for in subsection (2) of this section.

20 (4) In accordance with the provisions of this chapter and the rules
21 of the commission, license as agents to sell or distribute lottery
22 tickets such persons as in his opinion will best serve the public
23 convenience and promote the sale of tickets or shares. The director
24 may require a bond from any licensed agent, in such amount as provided
25 in the rules of the commission. Every licensed agent shall prominently
26 display his license, or a copy thereof, as provided in the rules of the
27 commission. License fees may be established by the commission, and, if
28 established, shall be deposited in the state lottery account created by
29 RCW 67.70.230.

30 (5) Confer regularly as necessary or desirable with the commission
31 on the operation and administration of the lottery; make available for
32 inspection by the commission, upon request, all books, records, files,
33 and other information and documents of the lottery; and advise the
34 commission and recommend such matters as the director deems necessary
35 and advisable to improve the operation and administration of the
36 lottery.

37 (6) Subject to the applicable laws relating to public contracts,
38 enter into contracts for the operation of the lottery, or any part

1 thereof, and into contracts for the promotion of the lottery. No
2 contract awarded or entered into by the director may be assigned by the
3 holder thereof except by specific approval of the commission:
4 PROVIDED, That nothing in this chapter authorizes the director to enter
5 into public contracts for the regular and permanent administration of
6 the lottery after the initial development and implementation.

7 (7) Certify quarterly to the state treasurer and the commission a
8 full and complete statement of lottery revenues, prize disbursements,
9 and other expenses for the preceding quarter.

10 (8) Carry on a continuous study and investigation of the lottery
11 throughout the state: (a) For the purpose of ascertaining any defects
12 in this chapter or in the rules issued thereunder by reason whereof any
13 abuses in the administration and operation of the lottery or any
14 evasion of this chapter or the rules may arise or be practiced, (b) for
15 the purpose of formulating recommendations for changes in this chapter
16 and the rules promulgated thereunder to prevent such abuses and
17 evasions, (c) to guard against the use of this chapter and the rules
18 issued thereunder as a cloak for the carrying on of professional
19 gambling and crime, and (d) to ensure that this chapter and rules shall
20 be in such form and be so administered as to serve the true purposes of
21 this chapter.

22 (9) Make a continuous study and investigation of: (a) The
23 operation and the administration of similar laws which may be in effect
24 in other states or countries, (b) the operation of an additional game
25 or games for the benefit of a particular program or purpose, (c) any
26 literature on the subject which from time to time may be published or
27 available, (d) any federal laws which may affect the operation of the
28 lottery, and (e) the reaction of the citizens of this state to existing
29 and potential features of the lottery with a view to recommending or
30 effecting changes that will tend to serve the purposes of this chapter.

31 (10) Have all enforcement powers granted in chapter 9.46 RCW.

32 (11) Perform all other matters and things necessary to carry out
33 the purposes and provisions of this chapter.

34 **Sec. 42.** RCW 72.23.025 and 1998 c 245 s 141 are each amended to
35 read as follows:

36 (1) It is the intent of the legislature to improve the quality of
37 service at state hospitals, eliminate overcrowding, and more

1 specifically define the role of the state hospitals. The legislature
2 intends that eastern and western state hospitals shall become clinical
3 centers for handling the most complicated long-term care needs of
4 patients with a primary diagnosis of mental disorder. Over the next
5 six years, their involvement in providing short-term, acute care, and
6 less complicated long-term care shall be diminished in accordance with
7 the revised responsibilities for mental health care under chapter 71.24
8 RCW. To this end, the legislature intends that funds appropriated for
9 mental health programs, including funds for regional support networks
10 and the state hospitals be used for persons with primary diagnosis of
11 mental disorder. The legislature finds that establishment of the
12 eastern state hospital board, the western state hospital board, and
13 institutes for the study and treatment of mental disorders at both
14 eastern state hospital and western state hospital will be instrumental
15 in implementing the legislative intent.

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

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

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

23 (iii) One consumer of services;

24 (iv) One community mental health service provider;

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

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

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

30 (viii) One representative from the nursing staff;

31 (ix) One representative from the other professional staff;

32 (x) One representative from the nonprofessional staff; and

33 (xi) One representative of a minority community.

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

36 (c) Members shall serve four-year terms. Members of the board
37 shall be reimbursed for travel expenses as provided in RCW 43.03.050

1 and 43.03.060 and shall receive compensation as provided in RCW
2 43.03.240.

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

4 (a) Monitor the operation and activities of the hospital;

5 (b) Review and advise on the hospital budget;

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

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

10 and

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

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

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

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

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

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

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

34 (i) Enter joint operating agreements with state universities or
35 other institutions of higher education to accomplish the placement and
36 training of students and faculty in psychiatry, psychology, social
37 work, occupational therapy, nursing, and other relevant professions at
38 the state hospitals and community mental health programs;

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

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

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

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

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

17 (5) Appointments made under this section are subject to the advice
18 and consent of the senate.

19 **Sec. 43.** RCW 72.41.020 and 1993 c 147 s 7 are each amended to read
20 as follows:

21 There is hereby created a board of trustees for the state school
22 for the blind to be composed of a resident from each of the state's
23 congressional districts now or hereafter existing. Trustees with
24 voting privileges shall be appointed by the governor (~~with the consent~~
25 ~~of the senate~~). A representative of the parent-teachers association
26 of the Washington state school for the blind, a representative of the
27 Washington council of the blind, a representative of the national
28 federation of the blind of Washington, one representative designated by
29 the teacher association of the Washington state school for the blind,
30 and a representative of the classified staff designated by his or her
31 exclusive bargaining representative shall each be ex officio and
32 nonvoting members of the board of trustees and shall serve during their
33 respective tenures in such positions.

34 Trustees shall be appointed by the governor to serve for a term of
35 five years except that any person appointed to fill a vacancy occurring
36 prior to the expiration of any term shall be appointed within sixty
37 days of the vacancy and appointed only for the remainder of the term.

1 One trustee shall be a resident and qualified elector from each of
2 the state's congressional districts. The board shall not be deemed to
3 be unlawfully constituted and a trustee shall not be deemed ineligible
4 to serve the remainder of the trustee's unexpired term on the board
5 solely by reason of the establishment of new or revised boundaries for
6 congressional districts. No voting trustee may be an employee of the
7 state school for the blind, a member of the board of directors of any
8 school district, a member of the governing board of any public or
9 private educational institution, a school district or educational
10 service district administrator, appointed after July 1, 1986, or an
11 elected officer or member of the legislative authority or any municipal
12 corporation.

13 The board of trustees shall organize itself by electing a chairman
14 from its members. The board shall adopt a seal and may adopt such
15 bylaws, rules, and regulations as it deems necessary for its own
16 government. A majority of the voting members of the board in office
17 shall constitute a quorum, but a lesser number may convene from time to
18 time and may compel the attendance of absent members in such manner as
19 prescribed in its bylaws, rules, or regulations. The superintendent of
20 the state school for the blind shall serve as, or may designate another
21 person to serve as, the secretary of the board, who shall not be deemed
22 to be a member of the board.

23 Gubernatorial appointments made under this section are subject to
24 the advice and consent of the senate.

25 **Sec. 44.** RCW 72.42.021 and 2002 c 209 s 7 are each amended to read
26 as follows:

27 (1) The governance of the school shall be vested in a board of
28 trustees. The board shall consist of nine members appointed by the
29 governor(~~(, with the consent of the senate)~~). The board shall be
30 composed of a resident from each of the state's congressional districts
31 and may include:

- 32 (a) One member who is deaf or hearing impaired;
33 (b) Two members who are experienced educational professionals;
34 (c) One member who is experienced in providing residential services
35 to youth; and
36 (d) One member who is the parent of a child who is deaf or hearing

1 impaired and who is receiving or has received educational services
2 related to deafness or hearing impairment from a public educational
3 institution.

4 (2) No voting trustee may be an employee of the school, a member of
5 the board of directors of any school district, a member of the
6 governing board of any public or private educational institution, a
7 school district or educational service district administrator appointed
8 after July 1, 1986, or an elected officer or member of the legislative
9 authority of any municipal corporation.

10 (3) Trustees shall be appointed by the governor to serve a term of
11 five years, except that any person appointed to fill a vacancy
12 occurring prior to the expiration of a term shall be appointed within
13 sixty days of the vacancy and appointed only for the remainder of the
14 term. Of the initial members, three must be appointed for two-year
15 terms, three must be appointed for three-year terms, and the remainder
16 must be appointed for five-year terms.

17 (4) The board shall not be deemed unlawfully constituted and a
18 trustee shall not be deemed ineligible to serve the remainder of the
19 trustee's unexpired term on the board solely by reason of the
20 establishment of new or revised boundaries for congressional districts.
21 In such an event, each trustee may continue to serve in office for the
22 balance of the term for which he or she was appointed so long as the
23 trustee continues to reside within the boundaries of the congressional
24 district as they existed at the time of his or her appointment.
25 Vacancies which occur in a trustee position during the balance of any
26 term shall be filled pursuant to subsection (3) of this section by a
27 successor who resides within the boundaries of the congressional
28 district from which the member whose office was vacated was appointed
29 as they existed at the time of his or her appointment. At the
30 completion of such term, and thereafter, a successor shall be appointed
31 from the congressional district which corresponds in number with the
32 congressional district from which the incumbent was appointed.

33 (5) Appointments made under this section are subject to the advice
34 and consent of the senate.

35 **Sec. 45.** RCW 74.18.040 and 1983 c 194 s 4 are each amended to read
36 as follows:

37 The executive head of the department shall be the director of the

1 department of services for the blind. The director shall be appointed
2 by the governor(~~(, with the consent of the senate,)~~) and hold office at
3 the pleasure of the governor. The director's salary shall be fixed by
4 the governor in accordance with the provisions of RCW 43.03.040.

5 Appointments made under this section are subject to the advice and
6 consent of the senate.

7 **Sec. 46.** RCW 76.09.210 and 1979 ex.s. c 47 s 4 are each amended to
8 read as follows:

9 (1) There is hereby created within the environmental hearings
10 office under RCW 43.21B.005 the forest practices appeals board of the
11 state of Washington.

12 (2) The forest practices appeals board shall consist of three
13 members qualified by experience and training in pertinent matters
14 pertaining to the environment, and at least one member of the appeals
15 board shall have been admitted to the practice of law in this state and
16 shall be engaged in the legal profession at the time of his
17 appointment. The appeals board shall be appointed by the governor
18 (~~(with the advice and consent of the senate,)~~) and no more than two of
19 the members at the time of appointment or during their term shall be
20 members of the same political party.

21 (3) Members shall be appointed for a term of six years and shall
22 serve until their successors are appointed and have qualified. In case
23 of a vacancy, it shall be filled by appointment by the governor for the
24 unexpired portion of the term in which such vacancy occurs. The terms
25 of the first three members of the appeals board shall be staggered so
26 that their terms shall expire after two, four, and six years.

27 (4) Any member may be removed for inefficiency, malfeasance or
28 misfeasance in office, upon specific written charges filed by the
29 governor, who shall transmit such written charges to the member accused
30 and to the chief justice of the supreme court. The chief justice shall
31 thereupon designate a tribunal composed of three judges of the superior
32 court to hear and adjudicate the charges. Such tribunal shall fix the
33 time of the hearing, which shall be public, and the procedure for the
34 hearing, and the decision of such tribunal shall be final and not
35 subject to review by the supreme court. Removal of any member by the
36 tribunal shall disqualify such member for reappointment.

37 (5) Each member of the appeals board:

1 (a) Shall not be a candidate for nor hold any other public office
2 or trust, and shall not engage in any occupation or business
3 interfering with or inconsistent with his duty as a member, nor shall
4 he serve on or under any committee of any political party; and

5 (b) Shall not for a period of one year after the termination of his
6 membership, act in a representative capacity before the appeals board
7 on any matter.

8 (6) Appointments made under this section are subject to the advice
9 and consent of the senate.

10 **Sec. 47.** RCW 77.04.030 and 2001 c 155 s 1 are each amended to read
11 as follows:

12 The fish and wildlife commission consists of nine registered voters
13 of the state. In January of each odd-numbered year, the governor shall
14 appoint (~~((with the advice and consent of the senate))~~) three registered
15 voters to the commission to serve for terms of six years from that
16 January or until their successors are appointed and qualified. If a
17 vacancy occurs on the commission prior to the expiration of a term, the
18 governor shall appoint a registered voter within sixty days to complete
19 the term. Three members shall be residents of that portion of the
20 state lying east of the summit of the Cascade mountains, and three
21 shall be residents of that portion of the state lying west of the
22 summit of the Cascade mountains. Three additional members shall be
23 appointed at-large. No two members may be residents of the same
24 county. The legal office of the commission is at the administrative
25 office of the department in Olympia.

26 Appointments made under this section are subject to the advice and
27 consent of the senate.

28 **Sec. 48.** RCW 77.75.040 and 1995 1st sp.s. c 2 s 20 are each
29 amended to read as follows:

30 A member selected by or a designee of the fish and wildlife
31 commission, ex officio, and two appointees of the governor representing
32 the fishing industry shall act as the representatives of this state on
33 the Pacific Marine Fisheries Commission. (~~((The appointees of the~~
34 ~~governor are subject to confirmation by the state senate.))~~)

35 Gubernatorial appointments made under this section are subject to
36 the advice and consent of the senate.

1 **Sec. 49.** RCW 77.85.110 and 1999 sp.s. c 13 s 3 are each amended to
2 read as follows:

3 (1) The salmon recovery funding board is created consisting of ten
4 members.

5 (2) Five members of the board shall be voting members who are
6 appointed by the governor(~~(, subject to confirmation by the senate)~~).
7 One of these voting members shall be a cabinet-level appointment as the
8 governor's representative to the board. Board members who represent
9 the general public shall not have a financial or regulatory interest in
10 salmon recovery. The governor shall appoint one of the general public
11 members of the board as the chair. The voting members of the board
12 shall be appointed for terms of four years, except that two members
13 initially shall be appointed for terms of two years and three members
14 shall initially be appointed for terms of three years. In making the
15 appointments, the governor shall seek a board membership that
16 collectively provide the expertise necessary to provide strong fiscal
17 oversight of salmon recovery expenditures, and that provide extensive
18 knowledge of local government processes and functions and an
19 understanding of issues relevant to salmon recovery in Washington
20 state. The governor shall appoint at least three of the voting members
21 of the board no later than ninety days after July 1, 1999. Vacant
22 positions on the board shall be filled in the same manner as the
23 original appointments. The governor may remove members of the board
24 for good cause.

25 In addition to the five voting members of the board, the following
26 five state officials shall serve as ex officio nonvoting members of the
27 board: The director of the department of fish and wildlife, the
28 executive director of the conservation commission, the secretary of
29 transportation, the director of the department of ecology, and the
30 commissioner of public lands. The state officials serving in an ex
31 officio capacity may designate a representative of their respective
32 agencies to serve on the board in their behalf. Such designations
33 shall be made in writing and in such manner as is specified by the
34 board.

35 (3) Staff support to the board shall be provided by the interagency
36 committee for outdoor recreation. For administrative purposes, the
37 board shall be located with the interagency committee for outdoor
38 recreation.

1 (4) Members of the board who do not represent state agencies shall
2 be compensated as provided by RCW 43.03.250. Members of the board
3 shall be reimbursed for travel expenses as provided by RCW 43.03.050
4 and 43.03.060.

5 (5) Gubernatorial appointments made under this section are subject
6 to the advice and consent of the senate.

7 **Sec. 50.** RCW 79A.05.015 and 1999 c 249 s 201 are each amended to
8 read as follows:

9 There is hereby created a "state parks and recreation commission"
10 consisting of seven citizens of the state. The members of the
11 commission shall be appointed by the governor (~~((by and with the advice~~
12 ~~and consent of the senate))~~) and shall serve for a term of six years,
13 expiring on December 31st of even-numbered years, and until their
14 successors are appointed. In case of a vacancy, the governor shall
15 fill the vacancy for the unexpired term of the commissioner whose
16 office has become vacant.

17 In making the appointments to the commission, the governor shall
18 choose citizens who understand park and recreation needs and interests.
19 No person shall serve if he or she holds any elective or full-time
20 appointive state, county, or municipal office. Members of the
21 commission shall be compensated in accordance with RCW 43.03.240 and in
22 addition shall be allowed their travel expenses incurred while absent
23 from their usual places of residence in accordance with RCW 43.03.050
24 and 43.03.060.

25 Payment of expenses pertaining to the operation of the commission
26 shall be made upon vouchers certified to by such persons as shall be
27 designated by the commission.

28 Appointments made under this section are subject to the advice and
29 consent of the senate.

30 **Sec. 51.** RCW 82.03.020 and 1967 ex.s. c 26 s 31 are each amended
31 to read as follows:

32 The board of tax appeals, hereinafter in chapter 26, Laws of 1967
33 ex. sess. referred to as the board, shall consist of three members
34 qualified by experience and training in the field of state and local
35 taxation, (~~((appointed by the governor with the advice and consent of~~

1 ~~the senate,~~) and no more than two of whom at the time of appointment
2 or during their terms shall be members of the same political party.

3 Appointments made under this section are subject to the advice and
4 consent of the senate.

5 **Sec. 52.** RCW 88.16.010 and 2003 c 58 s 1 are each amended to read
6 as follows:

7 (1) The board of pilotage commissioners of the state of Washington
8 is hereby created and shall consist of the assistant secretary of
9 marine transportation of the department of transportation of the state
10 of Washington, or the assistant secretary's designee who shall be an
11 employee of the marine division, who shall be chairperson, the director
12 of the department of ecology, or the director's designee, and seven
13 members appointed by the governor (~~and confirmed by the senate~~).
14 Each of the appointed commissioners shall be appointed for a term of
15 four years from the date of the member's commission. No person shall
16 be eligible for appointment to the board unless that person is at the
17 time of appointment eighteen years of age or over and a citizen of the
18 United States and of the state of Washington. Two of the appointed
19 commissioners shall be pilots licensed under this chapter and actively
20 engaged in piloting upon the waters covered by this chapter for at
21 least three years immediately preceding the time of appointment and
22 while serving on the board. One pilot shall be from the Puget Sound
23 pilotage district and the other pilot shall be from either the Grays
24 Harbor pilotage district or the Puget Sound pilotage district. Two of
25 the appointed commissioners shall be actively engaged in the ownership,
26 operation, or management of deep sea cargo and/or passenger carrying
27 vessels for at least three years immediately preceding the time of
28 appointment and while serving on the board. One of the shipping
29 commissioners shall be a representative of American and one of foreign
30 shipping. One of the commissioners shall be a representative from a
31 recognized environmental organization concerned with marine waters.
32 The remaining commissioners shall be persons interested in and
33 concerned with pilotage, maritime safety, and marine affairs, with
34 broad experience related to the maritime industry exclusive of
35 experience as either a state licensed pilot or as a shipping
36 representative.

1 (2) Any vacancy in an appointed position on the board shall be
2 filled by the governor for the remainder of the unfilled term, subject
3 to confirmation by the senate.

4 (3) Five members of the board shall constitute a quorum. At least
5 one pilot, one shipping representative, and one public member must be
6 present at every meeting. All commissioners and the chairperson shall
7 have a vote.

8 (4) Gubernatorial appointments made under this section are subject
9 to the advice and consent of the senate.

10 **Sec. 53.** RCW 9.95.003 and 1997 c 350 s 2 are each amended to read
11 as follows:

12 The board shall consist of a chairman and two other members, each
13 of whom shall be appointed by the governor (~~with the consent of the~~
14 ~~senate~~). Each member shall hold office for a term of five years, and
15 until his or her successor is appointed and qualified. The terms shall
16 expire on April 15th of the expiration year. Vacancies in the
17 membership of the board shall be filled by appointment by the governor
18 with the consent of the senate. In the event of the inability of any
19 member to act, the governor shall appoint some competent person to act
20 in his stead during the continuance of such inability. The members
21 shall not be removable during their respective terms except for cause
22 determined by the superior court of Thurston county. The governor in
23 appointing the members shall designate one of them to serve as chairman
24 at the governor's pleasure.

25 The members of the board and its officers and employees shall not
26 engage in any other business or profession or hold any other public
27 office without the prior approval of the executive ethics board
28 indicating compliance with RCW 42.52.020, 42.52.030, 42.52.040 and
29 42.52.120; nor shall they, at the time of appointment or employment or
30 during their incumbency, serve as the representative of any political
31 party on an executive committee or other governing body thereof, or as
32 an executive officer or employee of any political committee or
33 association. The members of the board shall each severally receive
34 salaries fixed by the governor in accordance with the provisions of RCW
35 43.03.040, and in addition shall receive travel expenses incurred in
36 the discharge of their official duties in accordance with RCW 43.03.050
37 and 43.03.060.

1 The board may employ, and fix, with the approval of the governor,
2 the compensation of and prescribe the duties of a secretary and such
3 officers, employees, and assistants as may be necessary, and provide
4 necessary quarters, supplies, and equipment.

5 Appointments made under this section are subject to the advice and
6 consent of the senate.

7 **Sec. 54.** RCW 28B.35.100 and 1998 c 95 s 3 are each amended to read
8 as follows:

9 (1) The governance of each of the regional universities shall be
10 vested in a board of trustees consisting of eight members, one of whom
11 shall be a student. The governor shall select the student member from
12 a list of candidates, of at least three and not more than five,
13 submitted by the governing body of the associated students. They shall
14 be appointed by the governor (~~with the consent of the senate~~) and,
15 except for the student member, shall hold their offices for a term of
16 six years from the first day of October and until their successors are
17 appointed and qualified. The student member shall hold his or her
18 office for a term of one year from the first day of June and until his
19 or her successor is appointed and qualified. The student member shall
20 be a full-time student in good standing at the respective university at
21 the time of appointment. Appointments made under this section are
22 subject to the advice and consent of the senate.

23 (2) Five members of the board constitute a quorum for the
24 transaction of business. In case of a vacancy, or when an appointment
25 is made after the date of expiration of the term, the governor shall
26 fill the vacancy for the remainder of the term of the trustee whose
27 office has become vacant or expired.

28 (3) Except for the term of the student member, no more than the
29 terms of two members will expire simultaneously on the last day of
30 September in any one year.

31 (4) A student appointed under this section shall excuse himself or
32 herself from participation or voting on matters relating to the hiring,
33 discipline, or tenure of faculty members and personnel.

34 **Sec. 55.** RCW 28B.40.100 and 1998 c 95 s 4 are each amended to read
35 as follows:

36 (1) The governance of The Evergreen State College shall be vested

1 in a board of trustees consisting of eight members, one of whom shall
2 be a student. The governor shall select the student member from a list
3 of candidates, of at least three and not more than five, submitted by
4 the student body. They shall be appointed by the governor (~~with the~~
5 ~~consent of the senate~~) and, except for the student member, shall hold
6 their offices for a term of six years from the first day of October and
7 until their successors are appointed and qualified. The student member
8 shall hold his or her office for a term of one year from the first day
9 of June and until his or her successor is appointed and qualified. The
10 student member shall be a full-time student in good standing at the
11 college at the time of appointment. Appointments made under this
12 section are subject to the advice and consent of the senate.

13 (2) Five members of the board constitute a quorum for the
14 transaction of business. In case of a vacancy, or when an appointment
15 is made after the date of expiration of the term, the governor shall
16 fill the vacancy for the remainder of the term of the trustee whose
17 office has become vacant or expired.

18 (3) Except for the term of the student member, no more than the
19 terms of two members will expire simultaneously on the last day of
20 September in any one year.

21 (4) A student appointed under this section shall excuse himself or
22 herself from participation or voting on matters relating to the hiring,
23 discipline, or tenure of faculty members and personnel.

24 **Sec. 56.** RCW 28B.50.050 and 1991 c 238 s 30 are each amended to
25 read as follows:

26 There is hereby created the "state board for community and
27 technical colleges", to consist of nine members who represent the
28 geographic diversity of the state, and who shall be appointed by the
29 governor(~~(, with the consent of the senate)~~). At least two members
30 shall reside east of the Cascade mountains. In making these
31 appointments, the governor shall attempt to provide geographic balance
32 and give consideration to representing labor, business, women, and
33 racial and ethnic minorities, among the membership of the board. At
34 least one member of the board shall be from business and at least one
35 member of the board shall be from labor. The current members of the
36 state board for community college education on September 1, 1991, shall
37 serve on the state board for community and technical colleges until

1 their terms expire. Successors to these members shall be appointed
2 according to the terms of this section. A ninth member shall be
3 appointed by September 1, 1991, for a complete term.

4 The successors of the members initially appointed shall be
5 appointed for terms of four years except that a person appointed to
6 fill a vacancy occurring prior to the expiration of any term shall be
7 appointed only for the remainder of such term. Each member shall serve
8 until the appointment and qualification of his or her successor. All
9 members shall be citizens and bona fide residents of the state.

10 Members of the college board shall be compensated in accordance
11 with RCW 43.03.240 and shall receive reimbursement for travel expenses
12 in accordance with RCW 43.03.050 and 43.03.060 for each day actually
13 spent in attending to the duties as a member of the college board.

14 The members of the college board may be removed by the governor for
15 inefficiency, neglect of duty, or malfeasance in office, in the manner
16 provided by RCW 28B.10.500.

17 Appointments made under this section are subject to the advice and
18 consent of the senate.

19 **Sec. 57.** RCW 28B.50.100 and 1991 c 238 s 37 are each amended to
20 read as follows:

21 There is hereby created a board of trustees for each college
22 district as set forth in this chapter. Each board of trustees shall be
23 composed of five trustees, who shall be appointed by the governor for
24 terms commencing October 1st of the year in which appointed. In making
25 such appointments the governor shall give consideration to geographical
26 diversity, and representing labor, business, women, and racial and
27 ethnic minorities, in the membership of the boards of trustees. The
28 boards of trustees for districts containing technical colleges shall
29 include at least one member from business and one member from labor.

30 The successors of the trustees initially appointed shall be
31 appointed by the governor to serve for a term of five years except that
32 any person appointed to fill a vacancy occurring prior to the
33 expiration of any term shall be appointed only for the remainder of the
34 term. Each member shall serve until a successor is appointed and
35 qualified.

36 Every trustee shall be a resident and qualified elector of the
37 college district. No trustee may be an employee of the community and

1 technical college system, a member of the board of directors of any
2 school district, or a member of the governing board of any public or
3 private educational institution.

4 Each board of trustees shall organize itself by electing a chairman
5 from its members. The board shall adopt a seal and may adopt such
6 bylaws, rules and regulations as it deems necessary for its own
7 government. Three members of the board shall constitute a quorum, but
8 a lesser number may adjourn from time to time and may compel the
9 attendance of absent members in such manner as prescribed in its
10 bylaws, rules, or regulations. The district president, or if there be
11 none, the president of the college, shall serve as, or may designate
12 another person to serve as, the secretary of the board, who shall not
13 be deemed to be a member of the board.

14 Members of the boards of trustees may be removed for misconduct or
15 malfeasance in office in the manner provided by RCW 28B.10.500.

16 Appointments made under this section are subject to the advice and
17 consent of the senate.

18 **Sec. 58.** RCW 41.64.010 and 1981 c 311 s 1 are each amended to read
19 as follows:

20 (1) There is hereby created a "personnel appeals board,"
21 hereinafter in this chapter referred to as the "board," which shall
22 consist of three members to be appointed by the governor(~~(, subject to~~
23 ~~confirmation by the senate)~~). The first board shall be appointed
24 within thirty days after May 19, 1981, for terms of two, four, and six
25 years. Thereafter, appointments shall be made for six-year terms. A
26 vacancy shall be filled by appointment by the governor for the
27 unexpired term in which the vacancy exists. Each member shall continue
28 to hold office after the expiration of the member's term until a
29 successor has been appointed. Members may be reappointed to the board
30 for successive terms. Persons appointed to the board shall be
31 qualified by experience and training in the field of administrative
32 procedures and merit principles. Appointments made under this section
33 are subject to the advice and consent of the senate. Such members:

- 34 (a) May not hold any other employment with the state;
35 (b) May not during the terms to which they are appointed be or
36 become candidates for public office, hold any other public office or
37 trust, engage in any occupation or business which interferes, or is

1 inconsistent, with their duties as members of the board, serve on or
2 under any committee of any political party, and may not have been
3 officers of a political party for a period of one year immediately
4 prior to their appointment; and

5 (c) May not for a period of one year after the termination of their
6 membership on the board, act in a representative capacity before the
7 board on any matter.

8 (2) Unless the context clearly indicates otherwise, the following
9 definitions apply to this chapter:

10 (a) "Agency" means any agency as defined in RCW 41.06.020;

11 (b) For appeals filed on or after July 1, 1981, under RCW
12 41.64.090, "board" or "personnel appeals board" means the personnel
13 appeals board created by subsection (1) of this section;

14 (c) For purposes of RCW 41.64.080 through 41.64.140 for appeals
15 filed before July 1, 1981, under RCW 41.06.170, as it existed prior to
16 or after May 19, 1981, "board" or "personnel appeals board" means the
17 state personnel board created by RCW 41.06.110.

18 **Sec. 59.** RCW 43.33A.020 and 2002 c 303 s 1 are each amended to
19 read as follows:

20 There is hereby created the state investment board to consist of
21 fifteen members to be appointed as provided in this section.

22 (1) One member who is an active member of the public employees'
23 retirement system and has been an active member for at least five
24 years. This member shall be appointed by the governor, (~~subject to~~
25 ~~confirmation by the senate,~~) from a list of nominations submitted by
26 organizations representing active members of the system. The initial
27 term of appointment shall be one year.

28 (2) One member who is an active member of the law enforcement
29 officers' and fire fighters' retirement system and has been an active
30 member for at least five years. This member shall be appointed by the
31 governor, (~~subject to confirmation by the senate,~~) from a list of
32 nominations submitted by organizations representing active members of
33 the system. The initial term of appointment shall be two years.

34 (3) One member who is an active member of the teachers' retirement
35 system and has been an active member for at least five years. This
36 member shall be appointed by the superintendent of public instruction

1 (~~subject to confirmation by the senate~~). The initial term of
2 appointment shall be three years.

3 (4) The state treasurer or the assistant state treasurer if
4 designated by the state treasurer.

5 (5) A member of the state house of representatives. This member
6 shall be appointed by the speaker of the house of representatives.

7 (6) A member of the state senate. This member shall be appointed
8 by the president of the senate.

9 (7) One member who is a retired member of a state retirement system
10 shall be appointed by the governor(~~, subject to confirmation by the~~
11 ~~senate~~). The initial term of appointment shall be three years.

12 (8) The director of the department of labor and industries.

13 (9) The director of the department of retirement systems.

14 (10) One member who is an active member of the school employees'
15 retirement system and has at least five years of service credit. This
16 member shall be appointed by the superintendent of public instruction
17 (~~subject to confirmation by the senate~~). The initial term of
18 appointment shall be three years.

19 (11) Five nonvoting members appointed by the state investment board
20 who are considered experienced and qualified in the field of
21 investments.

22 The legislative members shall serve terms of two years. The
23 initial legislative members appointed to the board shall be appointed
24 no sooner than January 10, 1983. The position of a legislative member
25 on the board shall become vacant at the end of that member's term on
26 the board or whenever the member ceases to be a member of the senate or
27 house of representatives from which the member was appointed.

28 After the initial term of appointment, all other members of the
29 state investment board, except ex officio members, shall serve terms of
30 three years and shall hold office until successors are appointed.
31 Members' terms, except for ex officio members, shall commence on
32 January 1 of the year in which the appointments are made.

33 Members may be reappointed for additional terms. Appointments for
34 vacancies shall be made for the unexpired terms in the same manner as
35 the original appointments. Any member may be removed from the board
36 for cause by the member's respective appointing authority.

37 (12) Gubernatorial appointments made under this section are subject
38 to the advice and consent of the senate.

1 **Sec. 60.** RCW 43.52.374 and 1983 1st ex.s. c 3 s 3 are each amended
2 to read as follows:

3 (1) With the exception of the powers and duties of the board of
4 directors described in RCW 43.52.370(2), the management and control of
5 an operating agency constructing, operating, terminating, or
6 decommissioning a nuclear power plant under a site certification
7 agreement under chapter 80.50 RCW is vested in an executive board
8 established under this subsection and consisting of eleven members.

9 (a) Five members of the executive board shall be elected to four-
10 year terms by the board of directors from among the members of the
11 board of directors. The board of directors may provide by rule for the
12 composition of the five members of the executive board elected from
13 among the members of the board of directors so as to reflect the member
14 public utility districts' and cities' participation in the joint
15 operating agency's projects. Members elected to the executive board
16 from the board of directors are ineligible for continued membership on
17 the executive board if they cease to be members of the board of
18 directors. The board of directors may also provide by rule for the
19 removal of a member of the executive board, except for the outside
20 directors. Members of the board of directors may be elected to serve
21 successive terms on the executive board. Members elected to the
22 executive board from the board of directors shall receive a salary from
23 the operating agency at a rate set by the board of directors.

24 (b) Six members of the executive board shall be outside directors.
25 Three shall be selected and appointed by the board of directors((7))
26 and three shall be selected and appointed by the governor ((and
27 ~~confirmed by the senate~~)). All outside directors shall:

28 (i) Serve four-year terms on the executive board. However, of the
29 initial members of the executive board, the board of directors and the
30 governor shall each appoint one outside director to serve a two-year
31 term, one outside director to serve a three-year term, and one outside
32 director to serve a four-year term. Thereafter, all outside directors
33 shall be appointed for four-year terms. All outside directors are
34 eligible for reappointment;

35 (ii) Receive travel expenses on the same basis as the five members
36 elected from the board of directors. The outside directors shall also
37 receive a salary from the operating agency as fixed by the governor;

1 (iii) Not be an officer or employee of, or in any way affiliated
2 with, the Bonneville power administration or any electric utility
3 conducting business in the states of Washington, Oregon, Idaho, or
4 Montana;

5 (iv) Not be involved in the financial affairs of the operating
6 agency as an underwriter or financial adviser of the operating agency
7 or any of its members or any of the participants in any of the
8 operating agency's plants; and

9 (v) Be representative of policy makers in business, finance, or
10 science, or have expertise in the construction or management of such
11 facilities as the operating agency is constructing or operating, or
12 have expertise in the termination, disposition, or liquidation of
13 corporate assets.

14 (c) The governor may remove outside directors from the executive
15 board for incompetency, misconduct, or malfeasance in office in the
16 same manner as state appointive officers under chapter 43.06 RCW. For
17 purposes of this subsection, misconduct shall include, but not be
18 limited to, nonfeasance and misfeasance.

19 (2) Nothing in this chapter shall be construed to mean that an
20 operating agency is in any manner an agency of the state. Nothing in
21 this chapter alters or destroys the status of an operating agency as a
22 separate municipal corporation or makes the state liable in any way or
23 to any extent for any preexisting or future debt of the operating
24 agency or any present or future claim against the agency.

25 (3) The eleven members of the executive board shall be selected
26 with the objective of establishing an executive board which has the
27 resources to effectively carry out its responsibilities. All members
28 of the executive board shall conduct their business in a manner which
29 in their judgment is in the interest of all ratepayers affected by the
30 joint operating agency and its projects.

31 (4) The executive board shall elect from its members a chairman,
32 vice chairman, and secretary, who shall serve at the pleasure of the
33 executive board. The executive board shall adopt rules for the conduct
34 of its meetings and the carrying out of its business. All proceedings
35 shall be by motion or resolution and shall be recorded in the minute
36 book, which shall be a public record. A majority of the executive
37 board shall constitute a quorum for the transaction of business.

1 (5) With respect to any operating agency existing on April 20,
2 1982, to which the provisions of this section are applicable:

3 (a) The board of directors shall elect five members to the
4 executive board no later than sixty days after April 20, 1982; and

5 (b) The board of directors and the governor shall select and
6 appoint the initial outside directors and the executive board shall
7 hold its organizational meeting no later than sixty days after April
8 20, 1982, and the powers and duties prescribed in this chapter shall
9 devolve upon the executive board at that time.

10 (6) The executive board shall select and employ a managing director
11 of the operating agency and may delegate to the managing director such
12 authority for the management and control of the operating agency as the
13 executive board deems appropriate. The managing director's employment
14 is terminable at the will of the executive board.

15 (7) Members of the executive board shall be immune from civil
16 liability for mistakes and errors of judgment in the good faith
17 performance of acts within the scope of their official duties involving
18 the exercise of judgment and discretion. This grant of immunity shall
19 not be construed as modifying the liability of the operating agency.

20 The operating agency shall undertake the defense of and indemnify
21 each executive board member made a party to any civil proceeding
22 including any threatened, pending, or completed action, suit, or
23 proceeding, whether civil, administrative, or investigative, by reason
24 of the fact he or she is or was a member of the executive board,
25 against judgments, penalties, fines, settlements, and reasonable
26 expenses, actually incurred by him or her in connection with such
27 proceeding if he or she had conducted himself or herself in good faith
28 and reasonably believed his or her conduct to be in the best interest
29 of the operating agency.

30 In addition members of the executive board who are utility
31 employees shall not be fired, forced to resign, or demoted from their
32 utility jobs for decisions they make while carrying out their duties as
33 members of the executive board involving the exercise of judgment and
34 discretion.

35 (8) Gubernatorial appointments made under this section are subject
36 to the advice and consent of the senate.

1 **Sec. 61.** RCW 43.52A.030 and 1984 c 34 s 8 are each amended to read
2 as follows:

3 The governor(~~(, with the consent of the senate,)~~) shall appoint two
4 residents of Washington state to the council pursuant to the act.
5 These persons shall undertake the functions and duties of members of
6 the council as specified in the act and in appropriate state law.
7 (~~Upon appointment by the governor to the council, the nominee shall~~
8 ~~make available to the senate such disclosure information as is~~
9 ~~requested for the confirmation process, including that required in RCW~~
10 ~~42.17.241.)) Appointments made under this section are subject to the
11 advice and consent of the senate.~~

12 **Sec. 62.** RCW 43.105.800 and 1999 c 285 s 2 are each amended to
13 read as follows:

14 The K-20 educational network board is created. The purpose of the
15 K-20 board is to ensure that the K-20 educational telecommunications
16 network is operated in a way that serves the broad public interest
17 above the interest of any network user.

18 (1) The K-20 board shall comprise eleven voting and seven nonvoting
19 members as follows:

20 (a) Voting members shall include: A person designated by the
21 governor; one member of each caucus of the senate, appointed by the
22 president of the senate; one member of each caucus of the house of
23 representatives, appointed by the speaker of the house of
24 representatives; the superintendent of public instruction or his or her
25 designee; the executive director of the higher education coordinating
26 board or his or her designee; the executive director of the state board
27 for community and technical colleges or his or her designee; the chair
28 of the information services board, or his or her designee; the director
29 of the department of information services or his or her designee; and
30 one citizen member.

31 The citizen member shall be appointed to a four-year term by the
32 governor (~~(with the consent of the senate)~~). The governor shall
33 appoint the citizen member of the K-20 board by July 30, 1999.
34 Appointments made under this section are subject to the advice and
35 consent of the senate.

36 (b) Nonvoting members shall include one community or technical
37 college president, appointed by the state board for technical and

1 community colleges; one president of a public baccalaureate
2 institution, appointed by the council of presidents; the state
3 librarian; one educational service district superintendent, one school
4 district superintendent, and one representative of an approved private
5 school, appointed by the superintendent of public instruction; and one
6 representative of independent baccalaureate institutions, appointed by
7 the Washington association of independent colleges and universities.

8 (2) The director of the department of information services or his
9 or her designee shall serve as chair of the K-20 board. The department
10 of information services shall provide staffing to the K-20 board. A
11 majority of the voting members of the K-20 board shall constitute a
12 quorum for the transaction of business.

13 (3) The citizen member of the K-20 board shall be compensated in
14 accordance with RCW 43.03.250.

15 **Sec. 63.** RCW 49.04.010 and 2001 c 204 s 1 are each amended to read
16 as follows:

17 The director of labor and industries shall appoint an
18 apprenticeship council, composed of three representatives each from
19 employer and employee organizations, respectively. The terms of office
20 of the members of the apprenticeship council first appointed by the
21 director of labor and industries shall be as follows: One
22 representative each of employers and employees shall be appointed for
23 one year, two years, and three years, respectively. Thereafter, each
24 member shall be appointed for a term of three years. The governor
25 shall appoint a public member to the apprenticeship council for a
26 three-year term. The appointment of the public member is subject to
27 (~~confirmation by~~) the advice and consent of the senate. Each member
28 shall hold office until a successor is appointed and has qualified and
29 any vacancy shall be filled by appointment for the unexpired portion of
30 the term. A designated representative from each of the following: The
31 work force training and education coordinating board, state board for
32 community and technical colleges, employment security department, and
33 United States department of labor, apprenticeship, training, employer,
34 and labor services, shall be ex officio members of the apprenticeship
35 council. Ex officio members shall have no vote. Each member of the
36 council, not otherwise compensated by public moneys, shall be
37 reimbursed for travel expenses in accordance with RCW 43.03.050 and

1 43.03.060 and shall be compensated in accordance with RCW 43.03.240.
2 The apprenticeship council is authorized to approve apprenticeship
3 programs, and establish apprenticeship program standards as rules,
4 including requirements for apprentice-related and supplemental
5 instruction, coordination of instruction with job experiences, and
6 instructor qualifications. The council shall consider recommendations
7 from the state board for community and technical colleges on matters of
8 apprentice-related and supplemental instruction, coordination of
9 instruction with job experiences, and instructor qualifications. The
10 rules for apprenticeship instructor qualifications shall either be by
11 reference or reasonably similar to the applicable requirements
12 established by or pursuant to chapter 28B.50 RCW. The council is
13 further authorized to issue such rules as may be necessary to carry out
14 the intent and purposes of this chapter, including a procedure to
15 resolve an impasse should a tie vote of the council occur, and perform
16 such other duties as are hereinafter imposed.

17 Not less than once a year the apprenticeship council shall make a
18 report to the director of labor and industries of its activities and
19 findings which shall be available to the public.

20 **Sec. 64.** RCW 80.01.010 and 1961 c 307 s 4 are each amended to read
21 as follows:

22 There is hereby created and established a state commission to be
23 known and designated as the Washington utilities and transportation
24 commission, and in this chapter referred to as the commission.

25 The commission shall be composed of three members appointed by the
26 governor(~~(, with the consent of the senate)~~). Not more than two
27 members of said commission shall belong to the same political party.

28 The members of the first commission to be appointed after taking
29 effect of this section shall be appointed for terms beginning April 1,
30 1951, and expiring as follows: One commissioner for the term expiring
31 January 1, 1953; one commissioner for the term expiring January 1,
32 1955; one commissioner for the term expiring January 1, 1957. Each of
33 the commissioners shall hold office until his successor is appointed
34 and qualified. Upon the expiration of the terms of the three
35 commissioners first to be appointed as herein provided, each succeeding
36 commissioner shall be appointed and hold office for the term of six

1 years. One of such commissioners to be designated by the governor,
2 shall, during the term of the appointing governor, be the chairman of
3 the commission.

4 Each commissioner shall receive a salary as may be fixed by the
5 governor in accordance with the provisions of RCW 43.03.040.

6 Any member of the commission may be removed for inefficiency,
7 malfeasance or misfeasance in office, upon specific written charges
8 filed by the governor, who shall transmit such written charges to the
9 member accused and to the chief justice of the supreme court. The
10 chief justice shall thereupon designate a special tribunal composed of
11 three judges of the superior court to hear and adjudicate the charges.
12 Such tribunal shall fix the time, place and procedure for the hearing,
13 and the hearing shall be public. The decision of such tribunal shall
14 be final and not subject to review.

15 If the tribunal specified herein finds the charges of the governor
16 to be true, the governor shall have the right to immediately remove the
17 commissioner from office, to declare the position of the commissioner
18 vacant, and appoint another commissioner to the position in accordance
19 with the provisions of the law.

20 Any vacancy arising in the office of commissioner shall be filled
21 by appointment by the governor, and an appointee selected to fill such
22 vacancy shall hold office for the balance of the full term for which
23 his predecessor on the commission was appointed.

24 If a vacancy occurs while the senate is not in session, the
25 governor shall make a temporary appointment until the next meeting of
26 the senate, when he shall present to the senate his nomination or
27 nominations for the office to be filled.

28 Appointments made under this section are subject to the advice and
29 consent of the senate.

30 NEW SECTION. **Sec. 65.** Section 58 of this act expires July 1,
31 2006.

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