

ESB 5995 - H AMD 999

By Representative Hunt

NOT CONSIDERED 4/26/2009

1 Strike everything after the enacting clause and insert the
2 following:

3
4 "NEW SECTION. **Sec. 1.** Intent. One of the key roles of advisory
5 boards, committees, and commissions is to provide input, advice and
6 recommendations from stakeholders, other interested parties, and the
7 public to state agencies. Some advisory boards, committees, and
8 commissions may be abolished without detriment to the mission of the
9 agency each supports. Most of the advisory functions of some boards,
10 committees, and commissions can be performed without the
11 administrative costs of maintaining formal organizations. In the
12 interest of building a leaner, more efficient, and more responsible
13 government, this vital communications conduit must be maintained for
14 the benefit of the state and its citizens, through the use of modern
15 communication technology. It is the intent of the legislature this
16 interim to identify criteria to evaluate those advisory boards,
17 committees, and commissions that may be eliminated or consolidated,
18 and for agencies to identify new, less costly, and more effective
19 opportunities to ensure a broad range of citizen participation is
20 provided and that all reasonable efforts are made to ensure that
21 channels are maintained for vital input from the citizens of
22 Washington.

23
24 **Acupuncture Ad Hoc Committee**

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26 **Sec. 2.** RCW 18.06.080 and 1995 c 323 s 7 are each amended to read
27 as follows:

1 (1) The secretary is hereby authorized and empowered to execute
2 the provisions of this chapter and shall offer examinations in
3 acupuncture at least twice a year at such times and places as the
4 secretary may select. The examination shall be a written examination
5 and may include a practical examination.

6 (2) The secretary shall develop or approve a licensure examination
7 in the subjects that the secretary determines are within the scope of
8 and commensurate with the work performed by licensed acupuncturists
9 and shall include but not necessarily be limited to anatomy,
10 physiology, microbiology, biochemistry, pathology, hygiene, and
11 acupuncture. All application papers shall be deposited with the
12 secretary and there retained for at least one year, when they may be
13 destroyed.

14 (3) If the examination is successfully passed, the secretary shall
15 confer on such candidate the title of Licensed Acupuncturist.

16 ~~(4) ((The secretary may appoint members of the profession to serve
17 in an ad hoc advisory capacity to the secretary in carrying out this
18 chapter. The members will serve for designated times and provide
19 advice on matters specifically identified and requested by the
20 secretary. The members shall be compensated in accordance with RCW
21 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and
22 43.03.060.~~

23 ~~—(5))~~ The secretary, ad hoc committee members, or individuals
24 acting in their behalf are immune from suit in a civil action based on
25 any certification or disciplinary proceedings or other official acts
26 performed in the course of their duties.

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28 **Character-Building Residential Services**
29 **in Prisons, Oversight Committee**

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31 NEW SECTION. **Sec. 3.** RCW 72.09.800 (Comprehensive plan for
32 character-building residential services in prisons--Establishment of
33 oversight committee) and 2008 c 104 s 2 are each repealed.

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1 **Displaced Homemaker Program Statewide Advisory Committee**

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3 NEW SECTION. **Sec. 4.** RCW 28B.04.085 (Displaced homemaker program
4 advisory committee) and 2004 c 275 s 32 & 1987 c 230 s 2 are each
5 repealed.

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7 **Adult Family Home Advisory Committee**

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9 NEW SECTION. **Sec. 5.** RCW 70.128.225 (Advisory committee) and
10 2007 c 40 s 1 & 2002 c 223 s 4 are each repealed.

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12 **Sec. 6.** RCW 70.128.163 and 2001 c 193 s 6 are each amended to
13 read as follows:

14 (1) When the department has summarily suspended a license, the
15 licensee may, subject to the department's approval, elect to
16 participate in a temporary management program. All provisions of this
17 section shall apply.

18 The purposes of a temporary management program are as follows:

19 (a) To mitigate dislocation and transfer trauma of residents while
20 the department and licensee may pursue dispute resolution or appeal of
21 a summary suspension of license;

22 (b) To facilitate the continuity of safe and appropriate resident
23 care and services;

24 (c) To preserve a residential option that meets a specialized
25 service need and/or is in a geographical area that has a lack of
26 available providers; and

27 (d) To provide residents with the opportunity for orderly
28 discharge.

29 (2) Licensee participation in the temporary management program is
30 voluntary. The department shall have the discretion to approve any
31 temporary manager and the temporary management arrangements. The
32 temporary management shall assume the total responsibility for the
33 daily operations of the home.

1 (3) The temporary management shall contract with the licensee as
2 an independent contractor and is responsible for ensuring that all
3 minimum licensing requirements are met. The temporary management
4 shall protect the health, safety, and well-being of the residents for
5 the duration of the temporary management and shall perform all acts
6 reasonably necessary to ensure that residents' needs are met. The
7 licensee is responsible for all costs related to administering the
8 temporary management program and contracting with the temporary
9 management. The temporary management agreement shall at a minimum
10 address the following:

11 (a) Provision of liability insurance to protect residents and
12 their property;

13 (b) Preservation of resident trust funds;

14 (c) The timely payment of past due or current accounts, operating
15 expenses, including but not limited to staff compensation, and all
16 debt that comes due during the period of the temporary management;

17 (d) The responsibilities for addressing all other financial
18 obligations that would interfere with the ability of the temporary
19 manager to provide adequate care and services to residents; and

20 (e) The authority of the temporary manager to manage the home,
21 including the hiring, managing, and firing of employees for good
22 cause, and to provide adequate care and services to residents.

23 (4) The licensee and department shall provide written notification
24 immediately to all residents, legal representatives, interested family
25 members, and the state long-term care ombudsman program, of the
26 temporary management and the reasons for it. This notification shall
27 include notice that residents may move from the home without notifying
28 the licensee in advance, and without incurring any charges, fees, or
29 costs otherwise available for insufficient advance notice, during the
30 temporary management period.

31 (5) The temporary management period under this section concludes
32 twenty-eight days after issuance of the formal notification of
33 enforcement action or conclusion of administrative proceedings,
34 whichever date is later. Nothing in this section precludes the

1 department from revoking its approval of the temporary management
2 and/or exercising its licensing enforcement authority under this
3 chapter. The department's decision whether to approve or to revoke a
4 temporary management arrangement is not subject to the administrative
5 procedure act, chapter 34.05 RCW.

6 (6) The department is authorized to adopt rules implementing this
7 section. In implementing this section, the department shall consult
8 with consumers, advocates, (~~the adult family home advisory committee~~
9 ~~established under chapter 18.48 RCW,~~) and organizations representing
10 adult family homes. The department may recruit and approve qualified,
11 licensed providers interested in serving as temporary managers.

12 **Boarding Home Advisory Board**

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15 NEW SECTION. **Sec. 7.** RCW 18.20.260 (Advisory board) and 2000 c
16 47 s 8 are each repealed.

17 **Citizens' Work Group on Health Care Reform**

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20 NEW SECTION. **Sec. 8.** The following acts or parts of acts are
21 each repealed:

22 2008 c 311 s 1 (uncodified);
23 2008 c 311 s 2 (uncodified);
24 2008 c 311 s 3 (uncodified); and
25 2008 c 311 s 4 (uncodified).

26 **Model Toxic Control Act Science Advisory Board**

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29 NEW SECTION. **Sec. 9.** 1997 c 406 s 1 (uncodified) is repealed.

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31 **Sec. 10.** RCW 70.105D.030 and 2007 c 446 s 1, 2007 c 225 s 1, and
32 2007 c 104 s 19 are each reenacted and amended to read as follows:

33 (1) The department may exercise the following powers in addition
34 to any other powers granted by law:

1 (a) Investigate, provide for investigating, or require potentially
2 liable persons to investigate any releases or threatened releases of
3 hazardous substances, including but not limited to inspecting,
4 sampling, or testing to determine the nature or extent of any release
5 or threatened release. If there is a reasonable basis to believe that
6 a release or threatened release of a hazardous substance may exist,
7 the department's authorized employees, agents, or contractors may
8 enter upon any property and conduct investigations. The department
9 shall give reasonable notice before entering property unless an
10 emergency prevents such notice. The department may by subpoena
11 require the attendance or testimony of witnesses and the production of
12 documents or other information that the department deems necessary;

13 (b) Conduct, provide for conducting, or require potentially liable
14 persons to conduct remedial actions (including investigations under
15 (a) of this subsection) to remedy releases or threatened releases of
16 hazardous substances. In carrying out such powers, the department's
17 authorized employees, agents, or contractors may enter upon property.
18 The department shall give reasonable notice before entering property
19 unless an emergency prevents such notice. In conducting, providing
20 for, or requiring remedial action, the department shall give
21 preference to permanent solutions to the maximum extent practicable
22 and shall provide for or require adequate monitoring to ensure the
23 effectiveness of the remedial action;

24 (c) Indemnify contractors retained by the department for carrying
25 out investigations and remedial actions, but not for any contractor's
26 reckless or willful misconduct;

27 (d) Carry out all state programs authorized under the federal
28 cleanup law and the federal resource, conservation, and recovery act,
29 42 U.S.C. Sec. 6901 et seq., as amended;

30 (e) Classify substances as hazardous substances for purposes of
31 RCW 70.105D.020 and classify substances and products as hazardous
32 substances for purposes of RCW 82.21.020(1);

33 (f) Issue orders or enter into consent decrees or agreed orders
34 that include, or issue written opinions under (i) of this subsection

1 that may be conditioned upon, environmental covenants where necessary
2 to protect human health and the environment from a release or
3 threatened release of a hazardous substance from a facility. Prior to
4 establishing an environmental covenant under this subsection, the
5 department shall consult with and seek comment from a city or county
6 department with land use planning authority for real property subject
7 to the environmental covenant;

8 (g) Enforce the application of permanent and effective
9 institutional controls that are necessary for a remedial action to be
10 protective of human health and the environment and the notification
11 requirements established in RCW 70.105D.110, and impose penalties for
12 violations of that section consistent with RCW 70.105D.050;

13 (h) Require holders to conduct remedial actions necessary to abate
14 an imminent or substantial endangerment pursuant to RCW
15 70.105D.020(17)(b)(ii)(C);

16 (i) Provide informal advice and assistance to persons regarding
17 the administrative and technical requirements of this chapter. This
18 may include site-specific advice to persons who are conducting or
19 otherwise interested in independent remedial actions. Any such advice
20 or assistance shall be advisory only, and shall not be binding on the
21 department. As a part of providing this advice and assistance for
22 independent remedial actions, the department may prepare written
23 opinions regarding whether the independent remedial actions or
24 proposals for those actions meet the substantive requirements of this
25 chapter or whether the department believes further remedial action is
26 necessary at the facility. Nothing in this chapter may be construed
27 to preclude the department from issuing a written opinion on whether
28 further remedial action is necessary at any portion of the real
29 property located within a facility, even if further remedial action is
30 still necessary elsewhere at the same facility. Such a written
31 opinion on a portion of a facility must also provide an opinion on the
32 status of the facility as a whole. The department may collect, from
33 persons requesting advice and assistance, the costs incurred by the
34 department in providing such advice and assistance; however, the

1 department shall, where appropriate, waive collection of costs in
2 order to provide an appropriate level of technical assistance in
3 support of public participation. The state, the department, and
4 officers and employees of the state are immune from all liability, and
5 no cause of action of any nature may arise from any act or omission in
6 providing, or failing to provide, informal advice and assistance; and

7 (j) Take any other actions necessary to carry out the provisions
8 of this chapter, including the power to adopt rules under chapter
9 34.05 RCW.

10 (2) The department shall immediately implement all provisions of
11 this chapter to the maximum extent practicable, including
12 investigative and remedial actions where appropriate. The department
13 shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

14 (a) Provide for public participation, including at least (i)
15 public notice of the development of investigative plans or remedial
16 plans for releases or threatened releases and (ii) concurrent public
17 notice of all compliance orders, agreed orders, enforcement orders, or
18 notices of violation;

19 (b) Establish a hazard ranking system for hazardous waste sites;

20 (c) Provide for requiring the reporting by an owner or operator of
21 releases of hazardous substances to the environment that may be a
22 threat to human health or the environment within ninety days of
23 discovery, including such exemptions from reporting as the department
24 deems appropriate, however this requirement shall not modify any
25 existing requirements provided for under other laws;

26 (d) Establish reasonable deadlines not to exceed ninety days for
27 initiating an investigation of a hazardous waste site after the
28 department receives notice or otherwise receives information that the
29 site may pose a threat to human health or the environment and other
30 reasonable deadlines for remedying releases or threatened releases at
31 the site;

32 (e) Publish and periodically update minimum cleanup standards for
33 remedial actions at least as stringent as the cleanup standards under
34 section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at

1 least as stringent as all applicable state and federal laws, including
2 health-based standards under state and federal law; and

3 (f) Apply industrial clean-up standards at industrial properties.
4 Rules adopted under this subsection shall ensure that industrial
5 properties cleaned up to industrial standards cannot be converted to
6 nonindustrial uses without approval from the department. The
7 department may require that a property cleaned up to industrial
8 standards is cleaned up to a more stringent applicable standard as a
9 condition of conversion to a nonindustrial use. Industrial clean-up
10 standards may not be applied to industrial properties where hazardous
11 substances remaining at the property after remedial action pose a
12 threat to human health or the environment in adjacent nonindustrial
13 areas.

14 (3) To achieve and protect the state's long-term ecological
15 health, the department shall prioritize sufficient funding to clean up
16 hazardous waste sites and prevent the creation of future hazards due
17 to improper disposal of toxic wastes, and create financing tools to
18 clean up large-scale hazardous waste sites requiring multiyear
19 commitments. To effectively monitor toxic accounts expenditures, the
20 department shall develop a comprehensive ten-year financing report
21 that identifies long-term remedial action project costs, tracks
22 expenses, and projects future needs.

23 (4) Before December 20th of each even-numbered year, the
24 department shall:

25 (a) Develop a comprehensive ten-year financing report in
26 coordination with all local governments with clean-up responsibilities
27 that identifies the projected biennial hazardous waste site remedial
28 action needs that are eligible for funding from the local toxics
29 control account;

30 (b) Work with local governments to develop working capital
31 reserves to be incorporated in the ten-year financing report;

32 (c) Identify the projected remedial action needs for orphaned,
33 abandoned, and other clean-up sites that are eligible for funding from
34 the state toxics control account;

1 (d) Project the remedial action need, cost, revenue, and any
2 recommended working capital reserve estimate to the next biennium's
3 long-term remedial action needs from both the local toxics control
4 account and the state toxics control account, and submit this
5 information to the appropriate standing fiscal and environmental
6 committees of the senate and house of representatives. This submittal
7 must also include a ranked list of such remedial action projects for
8 both accounts; and

9 (e) Provide the legislature and the public each year with an
10 accounting of the department's activities supported by appropriations
11 from the state and local toxics control accounts, including a list of
12 known hazardous waste sites and their hazard rankings, actions taken
13 and planned at each site, how the department is meeting its waste
14 management priorities under RCW 70.105.150, and all funds expended
15 under this chapter.

16 ~~(5) ((The department shall establish a scientific advisory board
17 to render advice to the department with respect to the hazard ranking
18 system, cleanup standards, remedial actions, deadlines for remedial
19 actions, monitoring, the classification of substances as hazardous
20 substances for purposes of RCW 70.105D.020 and the classification of
21 substances or products as hazardous substances for purposes of RCW
22 82.21.020(1). The board shall consist of five independent members to
23 serve staggered three year terms. No members may be employees of the
24 department. Members shall be reimbursed for travel expenses as
25 provided in RCW 43.03.050 and 43.03.060.~~

26 ~~—(6))~~ The department shall establish a program to identify
27 potential hazardous waste sites and to encourage persons to provide
28 information about hazardous waste sites.

29 ~~((+7))~~ (6) For all facilities where an environmental covenant has
30 been required under subsection (1)(f) of this section, including all
31 facilities where the department has required an environmental covenant
32 under an order, agreed order, or consent decree, or as a condition of
33 a written opinion issued under the authority of subsection (1)(i) of
34 this section, the department shall periodically review the

1 environmental covenant for effectiveness. Except as otherwise
2 provided in (c) of this subsection, the department shall conduct a
3 review at least once every five years after an environmental covenant
4 is recorded.

5 (a) The review shall consist of, at a minimum:

6 (i) A review of the title of the real property subject to the
7 environmental covenant to determine whether the environmental covenant
8 was properly recorded and, if applicable, amended or terminated;

9 (ii) A physical inspection of the real property subject to the
10 environmental covenant to determine compliance with the environmental
11 covenant, including whether any development or redevelopment of the
12 real property has violated the terms of the environmental covenant;
13 and

14 (iii) A review of the effectiveness of the environmental covenant
15 in limiting or prohibiting activities that may interfere with the
16 integrity of the remedial action or that may result in exposure to or
17 migration of hazardous substances. This shall include a review of
18 available monitoring data.

19 (b) If an environmental covenant has been amended or terminated
20 without proper authority, or if the terms of an environmental covenant
21 have been violated, or if the environmental covenant is no longer
22 effective in limiting or prohibiting activities that may interfere
23 with the integrity of the remedial action or that may result in
24 exposure to or migration of hazardous substances, then the department
25 shall take any and all appropriate actions necessary to ensure
26 compliance with the environmental covenant and the policies and
27 requirements of this chapter.

28 (c) For facilities where an environmental covenant required by the
29 department under subsection (1)(f) of this section was required before
30 July 1, 2007, the department shall:

31 (i) Enter all required information about the environmental
32 covenant into the registry established under RCW 64.70.120 by June 30,
33 2008;

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1 (ii) For those facilities where more than five years has elapsed
2 since the environmental covenant was required and the department has
3 yet to conduct a review, conduct an initial review according to the
4 following schedule:

5 (A) By December 30, 2008, fifty facilities;

6 (B) By June 30, 2009, fifty additional facilities; and

7 (C) By June 30, 2010, the remainder of the facilities;

8 (iii) Once this initial review has been completed, conduct
9 subsequent reviews at least once every five years.

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Oil Heat Advisory Committee

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13 **Sec. 11.** RCW 70.149.040 and 2007 c 240 s 1 are each amended to
14 read as follows: The director shall: (1) Design a program,
15 consistent with RCW 70.149.120, for providing pollution liability
16 insurance for heating oil tanks that provides up to sixty thousand
17 dollars per occurrence coverage and aggregate limits, and protects
18 the state of Washington from unwanted or unanticipated liability for
19 accidental release claims;

20 (2) Administer, implement, and enforce the provisions of this
21 chapter. To assist in administration of the program, the director
22 is authorized to appoint up to two employees who are exempt from the
23 civil service law, chapter 41.06 RCW, and who shall serve at the
24 pleasure of the director;

25 (3) Administer the heating oil pollution liability trust account,
26 as established under RCW 70.149.070;

27 (4) Employ and discharge, at his or her discretion, agents,
28 attorneys, consultants, companies, organizations, and employees as
29 deemed necessary, and to prescribe their duties and powers, and fix
30 their compensation;

31 (5) Adopt rules under chapter 34.05 RCW as necessary to carry out
32 the provisions of this chapter;

33 (6) Design and from time to time revise a reinsurance contract
34 providing coverage to an insurer or insurers meeting the requirements

1 of this chapter. The director is authorized to provide reinsurance
2 through the pollution liability insurance program trust account;

3 (7) Solicit bids from insurers and select an insurer to provide
4 pollution liability insurance for third-party bodily injury and
5 property damage, and corrective action to owners and operators of
6 heating oil tanks;

7 (8) Register, and design a means of accounting for, operating
8 heating oil tanks;

9 (9) Implement a program to provide advice and technical assistance
10 to owners and operators of active and abandoned heating oil tanks if
11 contamination from an active or abandoned heating oil tank is
12 suspected. Advice and assistance regarding administrative and
13 technical requirements may include observation of testing or site
14 assessment and review of the results of reports. If the director
15 finds that contamination is not present or that the contamination is
16 apparently minor and not a threat to human health or the environment,
17 the director may provide written opinions and conclusions on the
18 results of the investigation to owners and operators of active and
19 abandoned heating oil tanks. The agency is authorized to collect,
20 from persons requesting advice and assistance, the costs incurred by
21 the agency in providing such advice and assistance. The costs may
22 include travel costs and expenses associated with review of reports
23 and preparation of written opinions and conclusions. Funds from cost
24 reimbursement must be deposited in the heating oil pollution liability
25 trust account. The state of Washington, the pollution liability
26 insurance agency, and its officers and employees are immune from all
27 liability, and no cause of action arises from any act or omission in
28 providing, or failing to provide, such advice, opinion, conclusion, or
29 assistance;

30 (10) Establish a public information program to provide information
31 regarding liability, technical, and environmental requirements
32 associated with active and abandoned heating oil tanks;

33 (11) Monitor agency expenditures and seek to minimize costs and
34 maximize benefits to ensure responsible financial stewardship;

1 (12) (~~Create an advisory committee of stakeholders to advise the~~
2 ~~director on all aspects of program operations and fees authorized by~~
3 ~~this chapter, including pollution prevention programs. The advisory~~
4 ~~committee must have one member each from the Pacific Northwest oil~~
5 ~~heat council, the Washington oil marketers association, the western~~
6 ~~states petroleum association, and the department of ecology and three~~
7 ~~members from among the owners of home heating oil tanks registered~~
8 ~~with the pollution liability insurance agency who are generally~~
9 ~~representative of the geographical distribution and types of~~
10 ~~registered owners. The committee should meet at least quarterly, or~~
11 ~~more frequently at the discretion of the director; and~~

12 —(13)) Study if appropriate user fees to supplement program
13 funding are necessary and develop recommendations for legislation to
14 authorize such fees.

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Parks Centennial Advisory Committee

18 **Sec. 12.** RCW 79A.75.900 and 2004 c 14 s 5 are each amended to
19 read as follows:

20 This act expires (~~December 31, 2013~~) June 30, 2009.

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Prescription Drug Purchasing Consortium Advisory Committee

24 **Sec. 13.** RCW 70.14.060 and 2005 c 129 s 1 are each amended to
25 read as follows:

26 (1) The administrator of the state health care authority shall,
27 directly or by contract, adopt policies necessary for establishment of
28 a prescription drug purchasing consortium. The consortium's
29 purchasing activities shall be based upon the evidence-based
30 prescription drug program established under RCW 70.14.050. State
31 purchased health care programs as defined in RCW 41.05.011 shall
32 purchase prescription drugs through the consortium for those
33 prescription drugs that are purchased directly by the state and those
34 that are purchased through reimbursement of pharmacies, unless

1 exempted under this section. The administrator shall not require any
2 supplemental rebate offered to the department of social and health
3 services by a pharmaceutical manufacturer for prescription drugs
4 purchased for medical assistance program clients under chapter 74.09
5 RCW be extended to any other state purchased health care program, or
6 to any other individuals or entities participating in the consortium.
7 The administrator shall explore joint purchasing opportunities with
8 other states.

9 (2) Participation in the purchasing consortium shall be offered as
10 an option beginning January 1, 2006. Participation in the consortium
11 is purely voluntary for units of local government, private entities,
12 labor organizations, and for individuals who lack or are underinsured
13 for prescription drug coverage. The administrator may set reasonable
14 fees, including enrollment fees, to cover administrative costs
15 attributable to participation in the prescription drug consortium.

16 ~~(3) ((The prescription drug consortium advisory committee is
17 created within the authority. The function of the prescription drug
18 advisory committee is to advise the administrator of the state health
19 care authority on the implementation of the prescription drug
20 purchasing consortium.~~

21 ~~——(4) The prescription drug consortium advisory committee shall be
22 composed of eleven members selected as provided in this subsection.~~

23 ~~——(a) The administrator shall select one member of the prescription
24 drug consortium advisory committee from each list of three nominees
25 submitted by statewide organizations representing the following:~~

26 ~~——(i) One representative of state employees, who represents an
27 employee union certified as exclusive representative of at least one
28 bargaining unit of classified employees;~~

29 ~~——(ii) One member who is a licensed physician;~~

30 ~~——(iii) One member who is a licensed pharmacist;~~

31 ~~——(iv) One member who is a licensed advanced registered nurse
32 practitioner;~~

33 ~~——(v) One member representing a health carrier licensed under Title
34 48 RCW; and~~

1 ~~(vi) One member representing unions that represent private sector~~
2 ~~employees;~~

3 ~~(b) The administrator shall select two members of the advisory~~
4 ~~committee from a list of nominees submitted by statewide organizations~~
5 ~~representing consumers. One of the consumer members shall have~~
6 ~~knowledge or experience regarding senior citizen prescription drug~~
7 ~~cost and utilization issues;~~

8 ~~(c) The administrator shall select two members of the advisory~~
9 ~~committee from a list of nominees submitted by statewide organizations~~
10 ~~representing business, one of whom shall represent small businesses~~
11 ~~who employ fifty or fewer employees and one of whom shall represent~~
12 ~~large businesses; and~~

13 ~~(d) The administrator shall select one member who is versed in~~
14 ~~biologic medicine through research or academia from the University of~~
15 ~~Washington or Washington State University.~~

16 ~~(5) The administrator shall consult with the advisory committee on~~
17 ~~at least a quarterly basis on significant policy decisions related to~~
18 ~~implementation of the purchasing consortium.~~

19 ~~(6)) This section does not apply to state purchased health care~~
20 ~~services that are purchased from or through health carriers as defined~~
21 ~~in RCW 48.43.005, or group model health maintenance organizations that~~
22 ~~are accredited by the national committee for quality assurance.~~

23 ~~((7))~~ (4) The state health care authority is authorized to adopt
24 rules implementing chapter 129, Laws of 2005.

25 ~~((8))~~ (5) State purchased health care programs are exempt from
26 the requirements of this section if they can demonstrate to the
27 administrator that, as a result of the availability of federal
28 programs or other purchasing arrangements, their other purchasing
29 mechanisms will result in greater discounts and aggregate cost savings
30 than would be realized through participation in the consortium.

31

Risk Management Advisory Committee

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1 NEW SECTION. **Sec. 14.** RCW 4.92.230 (Risk management--Advisory
2 committee created--Duties) and 2002 c 332 s 19 & 1989 c 419 s 7 are
3 each repealed.

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5 **Sec. 15.** RCW 4.92.130 and 2002 c 332 s 14 are each amended to
6 read as follows:

7 A liability account in the custody of the treasurer is hereby
8 created as a nonappropriated account to be used solely and exclusively
9 for the payment of liability settlements and judgments against the
10 state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of
11 its officers, employees, and volunteers and all related legal defense
12 costs.

13 (1) The purpose of the liability account is to: (a) Expeditiously
14 pay legal liabilities and defense costs of the state resulting from
15 tortious conduct; (b) promote risk control through a cost allocation
16 system which recognizes agency loss experience, levels of self-
17 retention, and levels of risk exposure; and (c) establish an
18 actuarially sound system to pay incurred losses, within defined
19 limits.

20 (2) The liability account shall be used to pay claims for injury
21 and property damages and legal defense costs exclusive of agency-
22 retained expenses otherwise budgeted.

23 (3) No money shall be paid from the liability account, except for
24 defense costs, unless all proceeds available to the claimant from any
25 valid and collectible liability insurance shall have been exhausted
26 and unless:

27 (a) The claim shall have been reduced to final judgment in a court
28 of competent jurisdiction; or

29 (b) The claim has been approved for payment.

30 (4) The liability account shall be financed through annual
31 premiums assessed to state agencies, based on sound actuarial
32 principles, and shall be for liability coverage in excess of agency-
33 budgeted self-retention levels.

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1 (5) Annual premium levels shall be determined by the risk
2 manager(~~(, with the consultation and advice of the risk management~~
3 ~~advisory committee)~~). An actuarial study shall be conducted to assist
4 in determining the appropriate level of funding.

5 (6) Disbursements for claims from the liability account shall be
6 made to the claimant, or to the clerk of the court for judgments, upon
7 written request to the state treasurer from the risk manager.

8 (7) The director may direct agencies to transfer moneys from other
9 funds and accounts to the liability account if premiums are
10 delinquent.

11 (8) The liability account shall not exceed fifty percent of the
12 actuarial value of the outstanding liability as determined annually by
13 the risk management division. If the account exceeds the maximum
14 amount specified in this section, premiums may be adjusted by the risk
15 management division in order to maintain the account balance at the
16 maximum limits. If, after adjustment of premiums, the account balance
17 remains above the limits specified, the excess amount shall be
18 prorated back to the appropriate funds.

19

Securities Advisory Committee

20

21

22 NEW SECTION. **Sec. 16.** The following acts or parts of acts are
23 each repealed:

24 (1) RCW 21.20.550 (State advisory committee--Composition,
25 appointment, qualifications) and 1973 1st ex.s. c 171 s 3 & 1959 c 282
26 s 55;

27 (2) RCW 21.20.560 (State advisory committee--Chairperson,
28 secretary--Meetings) and 1979 ex.s. c 68 s 39, 1973 1st ex.s. c 171 s
29 4, & 1959 c 282 s 56;

30 (3) RCW 21.20.570 (State advisory committee--Terms--Vacancies) and
31 1959 c 282 s 57;

32 (4) RCW 21.20.580 (State advisory committee--Duties) and 1981 c
33 272 s 10, 1979 ex.s. c 68 s 40, & 1959 c 282 s 58; and

34

1 (5) RCW 21.20.590 (State advisory committee--Reimbursement of
2 travel expenses) and 1981 c 272 s 11, 1975-'76 2nd ex.s. c 34 s 65, &
3 1959 c 282 s 59.

4

Radiologic Technologists Ad Hoc Committee

5

6

7 **Sec. 17.** RCW 18.84.040 and 2008 c 246 s 4 are each amended to
8 read as follows:

9 (1) In addition to any other authority provided by law, the secretary
10 may:

11 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary
12 to implement this chapter;

13 (b) Set all registration, certification, and renewal fees in
14 accordance with RCW 43.70.250;

15 (c) Establish forms and procedures necessary to administer this
16 chapter;

17 (d) Evaluate and designate those schools from which graduation
18 will be accepted as proof of an applicant's eligibility to receive a
19 certificate;

20 (e) Determine whether alternative methods of training are
21 equivalent to formal education, and to establish forms, procedures,
22 and criteria for evaluation of an applicant's alternative training to
23 determine the applicant's eligibility to receive a certificate;

24 (f) Issue a certificate to any applicant who has met the
25 education, training, examination, and conduct requirements for
26 certification; and

27 (g) Issue a registration to an applicant who meets the requirement
28 for a registration.

29 (2) The secretary may hire clerical, administrative, and
30 investigative staff as needed to implement this chapter.

31 (3) The uniform disciplinary act, chapter 18.130 RCW, governs the
32 issuance and denial of registrations and certifications, unregistered
33 and uncertified practice, and the discipline of registrants and
34

1 certificants under this chapter. The secretary is the disciplining
2 authority under this chapter.

3 ~~((4) The secretary may appoint ad hoc members of the profession
4 to serve in an ad hoc advisory capacity to the secretary in carrying
5 out this chapter. The members will serve for designated times and
6 provide advice on matters specifically identified and requested by the
7 secretary. The members shall be compensated in accordance with RCW
8 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and
9 43.03.060.))~~

10
11 **Sec. 18.** RCW 18.84.070 and 1994 sp.s. c 9 s 507 are each amended
12 to read as follows:

13 The secretary(~~(, ad hoc committee members,)~~) or individuals acting
14 on (~~(their)~~) his or her behalf are immune from suit in any civil
15 action based on any certification or disciplinary proceedings or other
16 official acts performed in the course of their duties.

17 **Foster Care Endowed Scholarship Advisory Board**

18
19
20 NEW SECTION. **Sec. 19.** RCW 28B.116.040 (Foster care endowed
21 scholarship advisory board) and 2005 c 215 s 5 are each repealed.

22
23 **Sec. 20.** RCW 28B.116.020 and 2005 c 215 s 3 are each amended to
24 read as follows:

25 (1) The foster care endowed scholarship program is created. The
26 purpose of the program is to help students who were in foster care
27 attend an institution of higher education in the state of Washington.
28 The foster care endowed scholarship program shall be administered by
29 the higher education coordinating board.

30 (2) In administering the program, the higher education
31 coordinating board's powers and duties shall include but not be
32 limited to:

33 (a) Adopting necessary rules and guidelines; and

1 (b) Administering the foster care endowed scholarship trust fund
2 and the foster care scholarship endowment fund(~~(; and~~
3 ~~—(c) Establishing and assisting the foster care endowed scholarship~~
4 ~~advisory board in its duties as described in RCW 28B.116.040)~~)).

5 (3) In administering the program, the higher education
6 coordinating board's powers and duties may include but not be limited
7 to:

8 (a) Working with the department of social and health services and
9 the superintendent of public instruction to provide information about
10 the foster care endowed scholarship program to children in foster care
11 in the state of Washington and to students over the age of sixteen who
12 could be eligible for this program;

13 (b) Publicizing the program; and

14 (c) Contracting with a private agency to perform outreach to the
15 potentially eligible students.

16 **Higher Education Coordinating Board--Work Study**

17
18
19 **Sec. 21.** RCW 28B.12.040 and 1994 c 130 s 4 are each amended to
20 read as follows:

21 ~~((With the assistance of an advisory committee,))~~ The higher
22 education coordinating board shall develop and administer the state
23 work-study program. The board shall be authorized to enter into
24 agreements with employers and eligible institutions for the operation
25 of the program. These agreements shall include such provisions as the
26 higher education coordinating board may deem necessary or appropriate
27 to carry out the purposes of this chapter.

28 ~~((The members of the work study advisory committee may include,~~
29 ~~but need not be limited to representatives of public and private~~
30 ~~community colleges, technical colleges, and four year institutions of~~
31 ~~higher education; vocational schools; students; community service~~
32 ~~organizations; public schools; business; and labor. When selecting~~
33 ~~members of the advisory committee, the board shall consult with~~
34 ~~institutions of higher education, the state board for community and~~

1 ~~technical colleges, the workforce training and education coordinating~~
2 ~~board, and appropriate associations and organizations.))~~ With the
3 exception of off-campus community service placements, the share from
4 moneys disbursed under the state work-study program of the
5 compensation of students employed under such program in accordance
6 with such agreements shall not exceed eighty percent of the total such
7 compensation paid such students.

8 By rule, the board shall define community service placements and
9 may determine any salary matching requirements for any community
10 service employers.

11
12 **Sexual Offender Treatment Providers Advisory Committee**

13
14 NEW SECTION. **Sec. 22.** RCW 18.155.050 (Sexual offender treatment
15 providers advisory committee) and 1990 c 3 s 805 are each repealed.

16
17 **Vendor Rates Advisory Committee**

18
19 NEW SECTION. **Sec. 23.** The following acts or parts of acts are
20 each repealed:

21 (1) RCW 74.32.100 (Advisory committee on vendor rates--Created--
22 Members--Chairman) and 1971 ex.s. c 87 s 1 & 1969 ex.s. c 203 s 1;

23 (2) RCW 74.32.110 (Advisory committee on vendor rates--"Vendor
24 rates" defined) and 1969 ex.s. c 203 s 2;

25 (3) RCW 74.32.120 (Advisory committee on vendor rates--Meetings--
26 Travel expenses) and 1975-'76 2nd ex.s. c 34 s 170 & 1969 ex.s. c 203
27 s 3;

28 (4) RCW 74.32.130 (Advisory committee on vendor rates--Powers and
29 duties) and 1971 ex.s. c 87 s 2 & 1969 ex.s. c 203 s 4;

30 (5) RCW 74.32.140 (Investigation to determine if additional
31 requirements or standards affecting vendor group) and 1971 ex.s. c 298
32 s 1;

33

34

1 (6) RCW 74.32.150 (Investigation to determine if additional
2 requirements or standards affecting vendor group--Scope of
3 investigation) and 1971 ex.s. c 298 s 2;

4 (7) RCW 74.32.160 (Investigation to determine if additional
5 requirements or standards affecting vendor group--Changes investigated
6 regardless of source) and 1971 ex.s. c 298 s 3;

7 (8) RCW 74.32.170 (Investigation to determine if additional
8 requirements or standards affecting vendor group--Prevailing wage
9 scales and fringe benefit programs to be considered) and 1971 ex.s. c
10 298 s 4; and

11 (9) RCW 74.32.180 (Investigation to determine if additional
12 requirements or standards affecting vendor group--Additional factors
13 to be accounted for) and 1971 ex.s. c 298 s 5.

14

Organized Crime Advisory Board

15

16

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

19 (1) RCW 43.43.858 (Organized crime advisory board--Created--
20 Membership--Meetings--Travel expenses) and 2000 c 38 s 1, 1987 c 65 s
21 1, 1980 c 146 s 14, 1975-'76 2nd ex.s. c 34 s 115, & 1973 1st ex.s. c
22 202 s 5;

23 (2) RCW 43.43.860 (Organized crime advisory board--Terms of
24 members) and 1987 c 65 s 2, 1980 c 146 s 15, & 1973 1st ex.s. c 202 s
25 6;

26 (3) RCW 43.43.862 (Organized crime advisory board--Powers and
27 duties) and 1973 1st ex.s. c 202 s 7;

28 (4) RCW 43.43.864 (Information to be furnished board--Security--
29 Confidentiality) and 1973 1st ex.s. c 202 s 8;

30 (5) RCW 10.29.030 (Appointment of statewide special inquiry
31 judge--Procedure--Term--Confidentiality) and 2005 c 274 s 204 & 1980 c
32 146 s 3;

33 (6) RCW 10.29.040 (Scope of investigation and proceeding--Request
34 for additional authority) and 1980 c 146 s 4;

1 (7) RCW 10.29.080 (Special prosecutor--Selection--Qualifications--
2 Removal) and 1980 c 146 s 8; and

3 (8) RCW 10.29.090 (Operating budget--Contents--Audit) and 2005 c
4 274 s 205 & 1980 c 146 s 9.

5
6 **Sec. 25.** RCW 43.43.866 and 1980 c 146 s 16 are each amended to
7 read as follows:

8 There shall be a fund known as the organized crime prosecution
9 revolving fund which shall consist of such moneys as may be
10 appropriated by law. The state treasurer shall be custodian of the
11 revolving fund. Disbursements from the revolving fund shall be
12 subject to budget approval given by the (~~organized crime advisory~~
13 ~~board pursuant to RCW 10.29.090~~) chief of the Washington state
14 patrol, and may be made either on authorization of the governor or the
15 governor's designee, or upon request of (~~a majority of the members of~~
16 ~~the organized crime advisory board~~) the chief of the Washington state
17 patrol. In order to maintain an effective expenditure and revenue
18 control, the organized crime prosecution revolving fund shall be
19 subject in all respects to chapter 43.88 RCW but no appropriation
20 shall be required to permit expenditures and payment of obligations
21 from the fund.

22
23 **Sec. 26.** RCW 43.10.240 and 1985 c 251 s 1 are each amended to
24 read as follows:

25 The attorney general shall annually report to the (~~organized~~
26 ~~crime advisory board~~) chief of the Washington state patrol a summary
27 of the attorney general's investigative and criminal prosecution
28 activity conducted pursuant to this chapter. Except to the extent the
29 summary describes information that is a matter of public record, the
30 information made available to the (~~board~~) chief of the Washington
31 state patrol shall be given all necessary security protection in
32 accordance with the terms and provisions of applicable laws and rules
33 and shall not be revealed or divulged publicly or privately (~~by~~
34 ~~members of the board~~)).

1
2
3 **Lieutenant Governor Appointments and Assignments**
4

5 **Sec. 27.** RCW 43.15.020 and 2008 c 152 s 9 are each amended to
6 read as follows:

7 The lieutenant governor serves as president of the senate and is
8 responsible for making appointments to, and serving on, the committees
9 and boards as set forth in this section.

10 (1) The lieutenant governor serves on the following boards and
11 committees:

12 (a) Capitol furnishings preservation committee, RCW 27.48.040;

13 (b) Washington higher education facilities authority, RCW
14 28B.07.030;

15 (c) Productivity board, also known as the employee involvement and
16 recognition board, RCW 41.60.015;

17 (d) State finance committee, RCW 43.33.010;

18 (e) State capitol committee, RCW 43.34.010;

19 (f) Washington health care facilities authority, RCW 70.37.030;

20 (g) State medal of merit nominating committee, RCW 1.40.020;

21 (h) Medal of valor committee, RCW 1.60.020; and

22 (i) Association of Washington generals, RCW 43.15.030.

23 (2) The lieutenant governor, and when serving as president of the
24 senate, appoints members to the following boards and committees:

25 (a) ~~((Organized crime advisory board, RCW 43.43.858;~~

26 ~~—(b)))~~ Civil legal aid oversight committee, RCW 2.53.010;

27 ~~((+e))~~ (b) Office of public defense advisory committee, RCW
28 2.70.030;

29 ~~((+d))~~ (c) Washington state gambling commission, RCW 9.46.040;

30 ~~((+e))~~ (d) Sentencing guidelines commission, RCW 9.94A.860;

31 ~~((+f))~~ (e) State building code council, RCW 19.27.070;

32 ~~((+g))~~ (f) Women's history consortium board of advisors, RCW
33 27.34.365;

34

1 ~~((h))~~ (g) Financial literacy public-private partnership, RCW
2 28A.300.450;
3 ~~((i))~~ (h) Joint administrative rules review committee, RCW
4 34.05.610;
5 ~~((j))~~ (i) Capital projects advisory review board, RCW 39.10.220;
6 ~~((k))~~ (j) Select committee on pension policy, RCW 41.04.276;
7 ~~((l))~~ (k) Legislative ethics board, RCW 42.52.310;
8 ~~((m))~~ (l) Washington citizens' commission on salaries, RCW
9 43.03.305;
10 ~~((n))~~ (m) Legislative oral history ~~((advisory))~~ committee, RCW
11 ~~((43.07.230))~~ 44.04.325;
12 ~~((o))~~ (n) State council on aging, RCW 43.20A.685;
13 ~~((p))~~ (o) State investment board, RCW 43.33A.020;
14 ~~((q))~~ (p) Capitol campus design advisory committee, RCW
15 43.34.080;
16 ~~((r))~~ (q) Washington state arts commission, RCW 43.46.015;
17 ~~((s))~~ (r) Information services board, RCW 43.105.032;
18 ~~((t))~~ (s) K-20 educational network board, RCW 43.105.800;
19 ~~((u))~~ (t) Municipal research council, RCW 43.110.010;
20 ~~((v))~~ (u) Council for children and families, RCW 43.121.020;
21 ~~((w))~~ (v) PNWER-Net working subgroup under chapter 43.147 RCW;
22 ~~((x))~~ (w) Community economic revitalization board, RCW
23 43.160.030;
24 ~~((y))~~ (x) Washington economic development finance authority, RCW
25 43.163.020;
26 ~~((z) Tourism development advisory committee, RCW 43.330.095;~~
27 ~~—((aa))~~ (y) Life sciences discovery fund authority, RCW 43.350.020;
28 ~~((bb))~~ (z) Legislative children's oversight committee, RCW
29 44.04.220;
30 ~~((cc))~~ (aa) Joint legislative audit and review committee, RCW
31 44.28.010;
32 ~~((dd))~~ (bb) Joint committee on energy supply and energy
33 conservation, RCW 44.39.015;
34

1 ~~((+ee+))~~ (cc) Legislative evaluation and accountability program
2 committee, RCW 44.48.010;
3 ~~((+ff+))~~ (dd) Agency council on coordinated transportation, RCW
4 47.06B.020;
5 ~~((+gg+))~~ (ee) Manufactured housing task force, RCW 59.22.090;
6 ~~((+hh+))~~ (ff) Washington horse racing commission, RCW 67.16.014;
7 ~~((+ii+))~~ (gg) Correctional industries board of directors, RCW
8 72.09.080;
9 ~~((+jj+))~~ (hh) Joint committee on veterans' and military affairs,
10 RCW 73.04.150;
11 ~~((+kk+))~~ ~~Washington state parks centennial advisory committee, RCW~~
12 ~~79A.75.010;~~
13 ~~——(ll) Puget Sound council, RCW 90.71.030;~~
14 ~~——(+mm+))~~ (ii) Joint legislative committee on water supply during
15 drought, RCW 90.86.020;
16 ~~((+nn+))~~ (jj) Statute law committee, RCW 1.08.001; and
17 ~~((+oo+))~~ (kk) Joint legislative oversight committee on trade
18 policy, RCW 44.55.020.

19
20 NEW SECTION. **Sec. 28.** (1) All documents and papers, equipment,
21 or other tangible property in the possession of the terminated entity
22 shall be delivered to the custody of the entity assuming the
23 responsibilities of the terminated entity or if such responsibilities
24 have been eliminated, documents and papers shall be delivered to the
25 state archivist and equipment or other tangible property to the
26 department of general administration.

27 (2) All funds held by, or other moneys due to, the terminated
28 entity shall revert to the fund from which they were appropriated, or
29 if that fund is abolished to the general fund.

30 (3) All contractual rights and duties of an entity shall be
31 assigned or delegated to the entity assuming the responsibilities of
32 the terminated entity, or if there is none to such entity as the
33 governor shall direct.

34

1 NEW SECTION. **Sec. 29.** Subheadings used in this act are not any
2 part of the law.

3
4 NEW SECTION. **Sec. 30.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and takes
7 effect June 30, 2009."

8
9 Correct the title.

10
11 **EFFECT:** Adds the intent that the Legislature, during the
interim, will identify criteria to evaluate advisory boards,
committees, and commissions that may be eliminated or
consolidated. Deletes all sections of the bill that eliminate or
suspend boards, commissions, and committees except the sections
eliminating: the Acupuncture Ad Hoc Committee; Adult Family Home
Advisory Committee; Boarding Home Advisory Board; Citizens' Work
Group on Health Care Reform; Displaced Homemaker Program Statewide
Advisory Committee; Foster Care Endowed Scholarship Advisory
Board; Higher Education Coordinating Board Work Study Advisory
Committee; Model Toxics Control Act Science Advisory Board; Oil
Heat Advisory Committee; Organized Crime Advisory Board; Oversight
Committee on Character-Building Residential Services in Prisons;
Parks Centennial Advisory Committee; Prescription Drug Purchasing
Consortium Advisory Commission; Radiologic Technologists Ad Hoc
Committee; Risk Management Advisory Committee; Securities Advisory
Committee; Sexual Offender Treatment Providers Advisory Committee;
and Vendor Rates Advisory Committee.

Removes the requirement directing the Governor to develop
recommendations to the Legislature regarding the suspension and
termination of other boards and commissions.

--- END ---

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