
HOUSE BILL 1710

State of Washington

67th Legislature

2022 Regular Session

By Representatives Shewmake, Ramel, Harris-Talley, and Kloba

Prefiled 12/28/21. Read first time 01/10/22. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to establishing a Washington state cannabis
2 commission; amending RCW 41.06.070; adding a new section to chapter
3 69.50 RCW; and adding a new chapter to Title 15 RCW.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the Washington
6 state liquor and cannabis board exists to promote safe communities
7 and public safety. However, there is no agency to oversee research
8 and education of the cannabis industry within the state. The
9 legislature therefore declares:

10 (1) The Washington state cannabis commission is established to
11 benefit the people of the state of Washington and its economy;

12 (2) The general welfare of the people of the state will be served
13 by the development of the safe growing and processing activities of
14 cannabis. The industry is therefore affected with the public
15 interest; and

16 (3) Creation of a Washington state cannabis commission for the
17 public purpose of administering the revenue of the commission for the
18 enhancement of the safe production of cannabis will materially
19 advance the industries of growing and processing cannabis, improve
20 sustainability in the growing and processing sectors, and thereby the
21 interests of the citizens of the state.

1 NEW SECTION. **Sec. 2.** To continue the development of a
2 comprehensive regulatory scheme to regulate the production and
3 processing of cannabis and cannabis products, the legislature
4 declares that:

5 (1) It is in the overriding public interest that support of the
6 legal cannabis industry be clearly expressed as part of a
7 comprehensive industry to:

8 (a) Protect the public by educating the public in reference to
9 the quality, care, and methods used in the production of cannabis and
10 cannabis products; and

11 (b) Support and engage in programs or activities that benefit the
12 safe production, handling, processing, and uses of cannabis and
13 cannabis products; and

14 (2) The production of cannabis is a highly regulated industry and
15 this chapter and the rules adopted under it are only one aspect of
16 the regulated industry. Other laws applicable to the cannabis
17 industry include:

18 (a) Chapter 15.130 RCW, the food safety and security act;

19 (b) Chapter 15.125 RCW, marijuana and marijuana products;

20 (c) Title 69 RCW, food, drugs, cosmetics, and poisons; and

21 (d) Chapter 82.08 RCW, retail sales tax.

22 NEW SECTION. **Sec. 3.** The definitions in this section apply
23 throughout this chapter unless the context clearly requires
24 otherwise.

25 (1) "Board" means the Washington state liquor and cannabis board.

26 (2) "Cannabis" has the meaning provided for "marijuana" in RCW
27 69.50.101.

28 (3) "Commission" means the Washington state cannabis commission
29 established by this chapter.

30 (4) "Cooperative" means a group of more than one, but no more
31 than four qualified medical marijuana patients or designated
32 providers who share responsibility for growing and processing
33 marijuana only for the medical use of the members of the cooperative
34 as provided in RCW 69.51A.250.

35 (5) "Department" means the Washington state department of
36 agriculture.

37 (6) "Director" means the director of the Washington state
38 department of agriculture or the director's designee.

1 (7) "District" means each of the geographical divisions of the
2 state of Washington established under section 6 of this act.

3 (8) "Fiscal year" means the 12-month period beginning July 1st of
4 any year and ending June 30th.

5 (9) "Interested parties" means governmental departments,
6 agencies, and bodies at the federal, state, or local levels including
7 tribal governments, as well as universities, national and
8 international associations, and other public and private sector
9 organizations with an interest in cannabis-related matters.

10 (10) "Processor" means any person or legal entity holding in its
11 name a marijuana processor license issued by the board.

12 (11) "Producer" means any person or legal entity holding in its
13 name a marijuana producer license issued by the board. This license
14 type does not also own a processor license.

15 (12) "Producer/processor" means any person or legal entity
16 holding in its name both a marijuana producer and marijuana processor
17 license.

18 (13) "Retailer" means any person or legal entity holding a
19 marijuana retail license issued by the board.

20 (14) "Testing laboratory" means any laboratory accredited to
21 conduct cannabis-related analysis.

22 (15) "Tier" means any of the production licensing categories
23 established by rule of the board.

24 NEW SECTION. **Sec. 4.** The Washington state cannabis commission
25 is established to:

26 (1) Plan and conduct programs for cannabis-related matters;

27 (2) Provide for conducting research as provided in commission
28 rules;

29 (3) Cooperate with and act in an advisory capacity to local,
30 state, and federal agencies or other interested parties with respect
31 to cannabis-related matters within the scope of the powers and
32 purposes of the commission and as described in commission rules;

33 (4) Cooperate with other interested parties toward standardizing
34 methods by which to identify and determine the genetics, strains,
35 cultivars, phenotypes, standards, and grades of cannabis and advise
36 on packaging and labeling requirements with respect to the same;

37 (5) Conduct reviews, surveys, and inquiries regarding market
38 metrics and analytics, including trends, revenues, profitability,

1 projections, production, business practices, and other economic
2 drivers of the industry;

3 (6) Inform and advise producers and producer/processors in all
4 matters regarding cannabis including, but not limited to, educational
5 information on its cultivation, usage, risks, and related technical
6 and scientific developments;

7 (7) Provide cannabis-related education and training to producers,
8 producer/processors, researchers, and their employees, including
9 health and safety information;

10 (8) Provide information and services for meeting resource
11 conservation objectives of producers and producer/processors;

12 (9) Assist and cooperate with local, state, or federal government
13 agencies in the investigation and control of pests, diseases, and
14 other factors that could adversely affect the cultivation, quality,
15 or safety of Washington-produced cannabis;

16 (10) Advance knowledge and practice of the production of cannabis
17 in this state through the research and testing of methods to improve
18 pest management, worker protection and safety training, energy
19 efficiency, and environmental protection;

20 (11) Foster conditions favorable to investment in the production
21 of Washington cannabis consistent with state and federal laws;

22 (12) Limit youth access and youth exposure to cannabis; and

23 (13) Enable cannabis producers and producer/processors of this
24 state, with the aid of the state to:

25 (a) Develop and engage in research including, but not limited to,
26 discovering better and more efficient production, irrigation, odor
27 mitigation, processing, transportation, handling, packaging, and use
28 of cannabis commodities;

29 (b) Provide for uniform grading and proper preparation of
30 cannabis commodities for market;

31 (c) Protect the interest of consumers and the state by advising
32 on the overall production of cannabis to assure a balanced,
33 sufficient, and wholesome supply of cannabis commodities of good
34 quality at all seasons and times;

35 (d) Discover and develop new and improved cultivars for the
36 reliable and economical production of cannabis in the state; and

37 (e) Advance knowledge and the practices of processing cannabis in
38 the state.

39 NEW SECTION. **Sec. 5.** The commission may:

- 1 (1) Elect a chair and other officers by a majority vote of the
2 commission or as contained in bylaws adopted by the commission;
- 3 (2) Adopt, rescind, and amend bylaws and other internal rules of
4 governance necessary for the administration and operation of the
5 commission and for carrying out its duties under this chapter;
- 6 (3) Administer, enforce, direct, and control the provisions of
7 this chapter;
- 8 (4) Employ and discharge at its discretion such administrators,
9 staff, professional consultants and service providers, and other
10 persons and firms that it may deem appropriate;
- 11 (5) Designate a public records officer, rules coordinator, and
12 other representatives required by the laws governing state agencies
13 and commissions;
- 14 (6) Comply with all other laws applicable to state agencies and
15 commissions;
- 16 (7) Acquire personal property and purchase or lease office space
17 and other necessary real property and transfer and convey the same;
- 18 (8) Institute and maintain in its own name any and all legal
19 actions, including actions by injunction, mandatory injunction, or
20 civil recovery, or proceedings before administrative tribunals or
21 other governmental authorities necessary to carry out this chapter;
- 22 (9) Keep accurate records of all its receipts and disbursements,
23 which records must be open to inspection and audit by the state
24 auditor or private auditor designated by the state auditor at least
25 every five years and at any time by a duly appointed internal auditor
26 upon a majority vote of the commission;
- 27 (10) Make necessary disbursements for routine operating expenses;
- 28 (11) Expend funds for all activities, projects, and undertakings
29 of the commission permitted under this chapter, including but not
30 limited to cannabis-related education and training programs for
31 producers, producer/processors, researchers, or their employees;
- 32 (12) Cooperate with other interested parties for the purposes of
33 this chapter;
- 34 (13) Serve as liaison with the board and all other interested
35 parties on behalf of the commission and not for any individual
36 producer or producer/processor;
- 37 (14) Enter into contracts or cooperative agreements for research
38 as provided in this chapter;

1 (15) Enter into contracts or interagency agreements with any
2 other interested parties to carry out this chapter in accordance with
3 applicable provisions of Title 39 RCW;

4 (16) Solicit, accept, and expend or retain any gifts, bequests,
5 contributions, or grants from private persons or public agencies to
6 carry out this chapter;

7 (17) Retain in emergent situations the services of private legal
8 counsel to conduct legal actions on behalf of the commission,
9 provided that the retention of a private attorney is subject to the
10 appointment or approval by the office of the state attorney general;

11 (18) Engage in appropriate activities and events for the purpose
12 of supporting activities of the commission authorized by this
13 chapter;

14 (19) Participate in international, federal, state, and local
15 hearings, meetings, and other proceedings in all matters relating to
16 cannabis, including without limitation the production, irrigation,
17 manufacture, regulation, transportation, distribution, sale, or use
18 of cannabis including activities authorized under RCW 42.17A.635, and
19 the reporting of those activities to the public disclosure
20 commission;

21 (20) Obtain from the board a list of the names and addresses of
22 producers, processors, and retailers, and such other available data
23 from the state as requested by the commission to be used to
24 disseminate information among and solicit the opinions of producers
25 and producer/processors with respect to the discharge of the duties
26 of the commission, directly, or by arrangement with trade
27 associations or other instrumentalities;

28 (21) Acquire, create, develop, and own intellectual property
29 rights, licenses, and patents and to collect royalties resulting from
30 the sale or licensing of commission-funded research, provided all
31 results and recommendations from research conducted or funded by the
32 commission must be available to all producers and producer/processors
33 without charge, except for reasonable out-of-pocket costs as the
34 commission may determine;

35 (22) Speak on behalf of the Washington state government with
36 regard to cannabis, subject to oversight of the director;

37 (23) Possess cannabis products for the limited purposes of
38 section 4 of this act;

39 (24) Adopt rules to implement this chapter; and

1 (25) Exercise other powers and duties necessary to carry out this
2 chapter.

3 NEW SECTION. **Sec. 6.** (1) The commission shall consist of 13
4 voting members: Eight producer or producer/processor members from the
5 districts; one statewide at-large producer or producer/processor
6 member; one statewide tier one or equally small producer or producer/
7 processor member; one statewide tier two or equally medium producer
8 or producer/processor member; one statewide tier three or equally
9 large producer or producer/processor member; and the director.

10 (2) A nonvoting advisory council is created to assist the
11 commission. The director must appoint the following to the advisory
12 council: One stand alone processor member and one testing laboratory
13 member.

14 The advisory members must be considered from a pool of self-
15 nominated active business representatives from each business type
16 under this section.

17 (3) Each member of the commission and the advisory council other
18 than the director must:

19 (a) Be 21 years of age or older;

20 (b) Be a citizen and resident of this state;

21 (c) Directly hold or be a named owner in whole or in majority
22 part of an entity holding the relevant business license issued by the
23 board. This license must not be suspended at the time of nomination,
24 election, or appointment and must not be suspended at any time during
25 the member's term;

26 (d) Be engaged in the production of cannabis within the state of
27 Washington for a period of three years and have, during that period,
28 derived a substantial portion of their income therefrom. Any assignee
29 by a licensee must be and have been, either individually or as an
30 officer or employee of a corporation, firm, partnership, association,
31 or cooperative, actually engaged in producing cannabis within the
32 state of Washington for a period of three years and have, during that
33 period, derived a substantial portion of their income therefrom; and

34 (e) Continue to meet all membership qualifications throughout the
35 member's term.

36 (4) Producer members in voting positions must be producers with
37 production facilities in the district in which they are nominated and
38 elected. Producer members elected to at-large positions may be from
39 any district.

1 (a) District one, positions one and two, comprises the counties
2 of Clallam, Island, Jefferson, King, San Juan, Skagit, Snohomish, and
3 Whatcom.

4 (b) District two, positions three and four, comprises the
5 counties of Chelan, Douglas, Ferry, Grant, Kittitas, Okanogan, Pend
6 Oreille, and Stevens.

7 (c) District three, positions five and six, comprises the
8 counties of Adams, Asotin, Benton, Columbia, Franklin, Garfield,
9 Lincoln, Spokane, Walla Walla, Whitman, and Yakima.

10 (d) District four, positions seven and eight, comprises the
11 counties of Clark, Cowlitz, Grays Harbor, Kitsap, Klickitat, Lewis,
12 Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum.

13 (5) The initial commission members shall be appointed by the
14 director.

15 (a) Four must be appointed for a one-year term.

16 (b) Four must be appointed for a two-year term.

17 (c) Four must be appointed by the director for a three-year term.

18 (d) The initial members must be considered from a pool of self-
19 nominated qualified producers from each district under this section.

20 (e) Thereafter, commission members other than the director must
21 be elected by a vote of qualified producers or producer/processors in
22 each district for three-year terms.

23 (6) If a member vacancy occurs, at the board's first meeting
24 after the position becomes vacant, the remaining board members shall
25 recommend to the director a qualified person for appointment to the
26 vacant position. The director must appoint a replacement from those
27 nominations within 14 days.

28 (7) When making initial appointments and replacement
29 appointments, the director must consider appointments based upon
30 maintaining a balanced and diverse distribution of members based on
31 disproportionately impacted communities, ethnicity, geographic
32 location, gender identity, sexual orientation, and age, where
33 practicable.

34 (8) Seven voting members of the commission constitute a quorum
35 for the transaction of any commission business.

36 (9) Each member of the commission shall be reimbursed for
37 expenses incurred in the performance of their duties in accordance
38 with RCW 43.03.050 and 43.03.060.

39 (10) Within 90 days after the effective date of this section, the
40 director must appoint the initial members of the commission.

1 (11) The commission shall meet regularly as determined by the
2 members.

3 NEW SECTION. **Sec. 7.** (1) The commission, before the beginning
4 of its fiscal year, must prepare and submit to the director for
5 approval its research plan, its education and training plan, and its
6 budget for that fiscal year.

7 (2) The director must review and approve or disapprove all
8 submissions described in this section in a timely manner.

9 (3) The commission must develop and submit to the director for
10 approval any plans, programs, and projects concerning, but not
11 limited to, the following:

12 (a) The establishment, issuance, effectuation, and administration
13 of appropriate programs or projects for the education on the affected
14 commodities; and

15 (b) The establishment and effectuation of research projects,
16 market development projects, or both to the end that the affected
17 cannabis and cannabis product may be developed, improved, or made
18 more efficient consistent with state and federal laws.

19 (4) The director must review the commission's education program
20 to ensure that they are in keeping with state and federal laws.

21 NEW SECTION. **Sec. 8.** The commission shall deposit moneys
22 collected under this chapter and section 13 of this act in a separate
23 account in the name of the commission in any bank that is a state
24 depository. All expenditures and disbursements made from this account
25 under this chapter may be made without the necessity of a specific
26 legislative appropriation. Chapter 69.50 RCW does not apply to this
27 account or to the moneys received, collected, or expended as provided
28 in this chapter or section 13 of this act.

29 NEW SECTION. **Sec. 9.** The fee levied under section 13 of this
30 act constitutes a personal debt of every person charged or who
31 otherwise owes the fee, and the fee is due and payable to the
32 commission.

33 NEW SECTION. **Sec. 10.** (1) Financial and commercial information
34 and records submitted to either the board or the commission to
35 administer this chapter may be shared between the board and the

1 commission. They may also be used, if required, in any suit or
2 administrative hearing involving this chapter.

3 (2) This section does not prohibit:

4 (a) The issuance of general statements based upon the reports of
5 producers or producer/processors subject to this chapter if the
6 statements do not identify a specific producer or licensee; or

7 (b) The publication by the director or the commission of the name
8 of a producer or producer/processor violating this chapter and a
9 statement of the manner of the violation by that producer.

10 NEW SECTION. **Sec. 11.** Obligations incurred by the commission
11 and any other liabilities or claims against the commission must be
12 enforced only against the assets of the commission and, except to the
13 extent of such assets, no liability for the debts or actions of the
14 commission exists against either the state of Washington or any
15 subdivision or instrumentality thereof or against any member,
16 employee, or agent of the commission or the state of Washington in
17 the person's individual capacity. Except as otherwise provided in
18 this chapter, neither the commission members, nor its employees, may
19 be held individually responsible for errors in judgment, mistakes, or
20 other acts either of commission or omission, as principal, agent,
21 person, or employee, except for their own individual acts of
22 dishonesty or crime. No person or employee may be held individually
23 responsible for any act or omission of any other commission members.
24 The liability of the commission members shall be several and not
25 joint, and no member is liable for the default of any other member.
26 This section confirms that commission members have been, and continue
27 to be, state officers or volunteers for purposes of RCW 4.92.075 and
28 are entitled to the defenses, indemnifications, limitations of
29 liability, and other protections and benefits of chapter 4.92 RCW.

30 NEW SECTION. **Sec. 12.** All costs incurred by the department,
31 including the adoption of rules and other actions necessary to carry
32 out this chapter, must be reimbursed by the commission.

33 NEW SECTION. **Sec. 13.** A new section is added to chapter 69.50
34 RCW to read as follows:

35 (1) To provide for permanent funding of the cannabis commission,
36 agricultural commodity assessments must be levied by the board on
37 cannabis producers and cannabis producer/processors as follows:

1 (a) Beginning on October 31, 2022, the assessment on each
2 producer licensee is 0.29 percent of all sales revenues conducted by
3 the producer license.

4 (b) Beginning on October 31, 2022, the assessment on each
5 producer/processor licensee is 0.145 percent of all sales revenues
6 conducted by the processor license.

7 (2) Assessments collected under this section must be disbursed
8 quarterly to the Washington state cannabis commission for use in
9 carrying out the purposes of chapter 15.--- RCW (the new chapter
10 created in section 15 of this act).

11 **Sec. 14.** RCW 41.06.070 and 2019 c 146 s 3 are each amended to
12 read as follows:

13 (1) The provisions of this chapter do not apply to:

14 (a) The members of the legislature or to any employee of, or
15 position in, the legislative branch of the state government including
16 members, officers, and employees of the legislative council, joint
17 legislative audit and review committee, statute law committee, and
18 any interim committee of the legislature;

19 (b) The justices of the supreme court, judges of the court of
20 appeals, judges of the superior courts or of the inferior courts, or
21 to any employee of, or position in the judicial branch of state
22 government;

23 (c) Officers, academic personnel, and employees of technical
24 colleges;

25 (d) The officers of the Washington state patrol;

26 (e) Elective officers of the state;

27 (f) The chief executive officer of each agency;

28 (g) In the departments of employment security and social and
29 health services, the director and the director's confidential
30 secretary; in all other departments, the executive head of which is
31 an individual appointed by the governor, the director, his or her
32 confidential secretary, and his or her statutory assistant directors;

33 (h) In the case of a multimember board, commission, or committee,
34 whether the members thereof are elected, appointed by the governor or
35 other authority, serve ex officio, or are otherwise chosen:

36 (i) All members of such boards, commissions, or committees;

37 (ii) If the members of the board, commission, or committee serve
38 on a part-time basis and there is a statutory executive officer: The
39 secretary of the board, commission, or committee; the chief executive

1 officer of the board, commission, or committee; and the confidential
2 secretary of the chief executive officer of the board, commission, or
3 committee;

4 (iii) If the members of the board, commission, or committee serve
5 on a full-time basis: The chief executive officer or administrative
6 officer as designated by the board, commission, or committee; and a
7 confidential secretary to the chair of the board, commission, or
8 committee;

9 (iv) If all members of the board, commission, or committee serve
10 ex officio: The chief executive officer; and the confidential
11 secretary of such chief executive officer;

12 (i) The confidential secretaries and administrative assistants in
13 the immediate offices of the elective officers of the state;

14 (j) Assistant attorneys general;

15 (k) Commissioned and enlisted personnel in the military service
16 of the state;

17 (l) Inmate, student, and temporary employees, and part-time
18 professional consultants, as defined by the director;

19 (m) Officers and employees of the Washington state fruit
20 commission;

21 (n) Officers and employees of the Washington apple commission;

22 (o) Officers and employees of the Washington state dairy products
23 commission;

24 (p) Officers and employees of the Washington tree fruit research
25 commission;

26 (q) Officers and employees of the Washington state beef
27 commission;

28 (r) Officers and employees of the Washington grain commission;

29 (s) Officers and employees of any commission formed under chapter
30 15.66 RCW;

31 (t) Officers and employees of agricultural commissions formed
32 under chapter 15.65 RCW;

33 (u) Executive assistants for personnel administration and labor
34 relations in all state agencies employing such executive assistants
35 including but not limited to all departments, offices, commissions,
36 committees, boards, or other bodies subject to the provisions of this
37 chapter and this subsection shall prevail over any provision of law
38 inconsistent herewith unless specific exception is made in such law;

39 (v) In each agency with fifty or more employees: Deputy agency
40 heads, assistant directors or division directors, and not more than

1 three principal policy assistants who report directly to the agency
2 head or deputy agency heads;

3 (w) Staff employed by the department of commerce to administer
4 energy policy functions;

5 (x) The manager of the energy facility site evaluation council;

6 (y) A maximum of ten staff employed by the department of commerce
7 to administer innovation and policy functions, including the three
8 principal policy assistants exempted under (v) of this subsection;

9 (z) Staff employed by Washington State University to administer
10 energy education, applied research, and technology transfer programs
11 under RCW 43.21F.045 as provided in RCW 28B.30.900(5);

12 (aa) Officers and employees of the consolidated technology
13 services agency created in RCW 43.105.006 that perform the following
14 functions or duties: Systems integration; data center engineering and
15 management; network systems engineering and management; information
16 technology contracting; information technology customer relations
17 management; and network and systems security;

18 (bb) The executive director of the Washington statewide reentry
19 council; and

20 (cc) Officers and employees of the Washington state cannabis
21 commission under chapter 15.--- RCW (the new chapter created in
22 section 15 of this act).

23 (2) The following classifications, positions, and employees of
24 institutions of higher education and related boards are hereby
25 exempted from coverage of this chapter:

26 (a) Members of the governing board of each institution of higher
27 education and related boards, all presidents, vice presidents, and
28 their confidential secretaries, administrative, and personal
29 assistants; deans, directors, and chairs; academic personnel; and
30 executive heads of major administrative or academic divisions
31 employed by institutions of higher education; principal assistants to
32 executive heads of major administrative or academic divisions; other
33 managerial or professional employees in an institution or related
34 board having substantial responsibility for directing or controlling
35 program operations and accountable for allocation of resources and
36 program results, or for the formulation of institutional policy, or
37 for carrying out personnel administration or labor relations
38 functions, legislative relations, public information, development,
39 senior computer systems and network programming, or internal audits
40 and investigations; and any employee of a community college district

1 whose place of work is one which is physically located outside the
2 state of Washington and who is employed pursuant to RCW 28B.50.092
3 and assigned to an educational program operating outside of the state
4 of Washington;

5 (b) The governing board of each institution, and related boards,
6 may also exempt from this chapter classifications involving research
7 activities, counseling of students, extension or continuing education
8 activities, graphic arts or publications activities requiring
9 prescribed academic preparation or special training as determined by
10 the board: PROVIDED, That no nonacademic employee engaged in office,
11 clerical, maintenance, or food and trade services may be exempted by
12 the board under this provision;

13 (c) Printing craft employees in the department of printing at the
14 University of Washington.

15 (3) In addition to the exemptions specifically provided by this
16 chapter, the director may provide for further exemptions pursuant to
17 the following procedures. The governor or other appropriate elected
18 official may submit requests for exemption to the office of financial
19 management stating the reasons for requesting such exemptions. The
20 director shall hold a public hearing, after proper notice, on
21 requests submitted pursuant to this subsection. If the director
22 determines that the position for which exemption is requested is one
23 involving substantial responsibility for the formulation of basic
24 agency or executive policy or one involving directing and controlling
25 program operations of an agency or a major administrative division
26 thereof, or is a senior expert in enterprise information technology
27 infrastructure, engineering, or systems, the director shall grant the
28 request. The total number of additional exemptions permitted under
29 this subsection shall not exceed one percent of the number of
30 employees in the classified service not including employees of
31 institutions of higher education and related boards for those
32 agencies not directly under the authority of any elected public
33 official other than the governor, and shall not exceed a total of
34 twenty-five for all agencies under the authority of elected public
35 officials other than the governor.

36 (4) The salary and fringe benefits of all positions presently or
37 hereafter exempted except for the chief executive officer of each
38 agency, full-time members of boards and commissions, administrative
39 assistants and confidential secretaries in the immediate office of an
40 elected state official, and the personnel listed in subsections

1 (1)(j) through (t) and (2) of this section, shall be determined by
2 the director. Changes to the classification plan affecting exempt
3 salaries must meet the same provisions for classified salary
4 increases resulting from adjustments to the classification plan as
5 outlined in RCW 41.06.152.

6 (5)(a) Any person holding a classified position subject to the
7 provisions of this chapter shall, when and if such position is
8 subsequently exempted from the application of this chapter, be
9 afforded the following rights: If such person previously held
10 permanent status in another classified position, such person shall
11 have a right of reversion to the highest class of position previously
12 held, or to a position of similar nature and salary.

13 (b) Any classified employee having civil service status in a
14 classified position who accepts an appointment in an exempt position
15 shall have the right of reversion to the highest class of position
16 previously held, or to a position of similar nature and salary.

17 (c) A person occupying an exempt position who is terminated from
18 the position for gross misconduct or malfeasance does not have the
19 right of reversion to a classified position as provided for in this
20 section.

21 NEW SECTION. **Sec. 15.** Sections 1 through 12 of this act
22 constitute a new chapter in Title 15 RCW.

--- END ---