

## EXPLANATORY NOTE

(a) RCW 28A.65.080, 28A.65.100, 28A.65.120 and 28A.65.150 were both reenacted and repealed during the 1975-'76 second extraordinary session of the legislature, each without reference to the other.

1975-'76 2nd ex.s. c 15 §§ 13, 14, 15 and 16 reenacted the sections to correct previous double amendments to said RCW sections by 1975 c 43 and 1975 1st ex.s. c 275. 1975-'76 2nd ex.s. c 118 § 34 repealed the same sections in a comprehensive bill setting out new provisions relating to school district budgeting and the dates therefor.

(b) RCW 28B.81.090 was repealed during the 1975 first extraordinary session of the legislature, and amended during the 1975-'76 second extraordinary session, each without reference to the other.

1975 1st ex.s. c 132 § 11 repealed all of chapter 28B.81 RCW, "Commission on Higher Education", as part of an act which created the "Council on Postsecondary Education". 1975-'76 2nd ex.s. c 34 § 78 amended the section, without cognizance of its prior repeal, as part of an act affecting travel expenses and per diem for all state agencies, commissions, committees, etc.

The repeals above thus reflect the purpose of this 1977 act, to bring the RCW code into conformity with apparent legislative intent.

Passed the House January 28, 1977.

Passed the Senate March 1, 1977.

Approved by the Governor March 7, 1977.

Filed in Office of Secretary of State March 7, 1977.

## CHAPTER 6

[House Bill No. 173]

EMPLOYEES' INSURANCE BOARD,  
PERSONNEL BOARD—CODE CORRECTION

AN ACT Relating to state government; reenacting section 2, chapter 39, Laws of 1970 ex. sess. as last amended by section 85, chapter 34, Laws of 1975-'76 2nd ex. sess. and by section 3, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.020; reenacting section 11, chapter 1, Laws of 1961 as amended by section 86, chapter 34, Laws of 1975-'76 2nd ex. sess. and by section 1, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.110; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 39, Laws of 1970 ex. sess. as last amended by section 85, chapter 34, Laws of 1975-'76 2nd ex. sess. and by section 3, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.020 are each reenacted to read as follows:

(1) There is hereby created a state employees' insurance board to be composed as follows: The governor or his designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The senate and house members of the board shall serve in ex officio capacity only. All appointments shall be made effective immediately. The terms of office of the administrative officer representing

higher education, the two higher education faculty members, the representative of an employee association, and the representative of an employee union shall be for four years: PROVIDED, That the first term of one faculty member and one employee association or union representative member shall be for three years. The first meeting of the board shall be held as soon as possible thereafter at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman at its first meeting and annually thereafter. Members of the board shall receive no compensation for their services, but shall be paid for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for state employees, employees of county, municipal, or other political subdivisions of the state, and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: PROVIDED, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: PROVIDED, That all contracts for insurance, health care plans, or protection applying to employees covered by RCW 28B.10.660 and 48.24.010 and chapters 41.04 and 41.05 RCW shall provide that the beneficiaries of such insurance, health care plans, or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: PROVIDED FURTHER, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide employee health care benefit plans; at least one plan will provide major medical benefits as its primary feature, at least one plan will provide basic first-dollar benefits as its primary feature plus major medical, either or all of which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and another plan to be provided by a panel medicine plan in its service area only when approved by the board. Except for panel medicine plans, no more than one insurance carrier or health care service contractor shall be contracted with to provide the same plan of benefits: PROVIDED, That employees may choose participation in only one of the health care benefit plans sponsored by the board: PROVIDED FURTHER, That employees of the institutions of higher education shall be retained as a separate actuarial and experience group and the board shall report its recommendation on such retention to the legislative budget committee by November 1, 1974.

Sec. 2. Section 11, chapter 1, Laws of 1961 as amended by section 86, chapter 34, Laws of 1975-'76 2nd ex. sess. and by section 1, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.110 are each reenacted to read as follows:

(1) There is hereby created a state personnel board composed of three members appointed by the governor, subject to confirmation by the senate: PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his appointment shall have been approved by the senate. The first such board shall be appointed within thirty days after December 8, 1960 for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be paid fifty dollars for each day in which he has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board, actually attended: PROVIDED, That after July 1, 1962, no one board member shall receive more than one thousand five hundred dollars in any fiscal year for this purpose: PROVIDED, FURTHER, That such limitation shall not apply to daily payments for the hearing of employee appeals. Members of the board shall also be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

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

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

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

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#### EXPLANATORY NOTE

Section 1. RCW 41.05.020 was amended twice during the 1975-'76 second extraordinary session of the legislature, each without reference to the other.

(1) 1975-'76 2nd ex.s. c 34 § 85 was part of a comprehensive act changing "necessary and actual expenses" to "travel expenses...in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended".

(2) (a) 1975-'76 2nd ex.s. c 106 § 3 added in subsection (2) of RCW 41.05.020, the duty of the state employees' insurance board to study insurance and health plans of "employees of county, municipal, or other political subdivisions of the state," as well as those of state employees.

(b) The term "this 1973 amendatory act" was also translated to "RCW 28B.10.660 and chapters 41.04 and 41.05 RCW" in accordance with RCW code style.

Sec. 2. RCW 41.06.110 was amended twice during the 1975-'76 second extraordinary session of the legislature, each without reference to the other.

(1) 1975-'76 2nd ex.s. c 34 § 86(2) was part of a comprehensive act changing "necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally" to "travel expenses incurred...in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended".

(2) 1975-'76 2nd ex.s. c 43 § 1 added a new subsection (4) relating to the appointment and compensation of hearing officers.

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the sections with all amendments included therein.

Passed the House January 28, 1977.

Passed the Senate March 1, 1977.

Approved by the Governor March 7, 1977.

Filed in Office of Secretary of State March 7, 1977.

## CHAPTER 7

[House Bill No. 174]

### STATE DEPARTMENTS—CODE CORRECTION

AN ACT Relating to state government; amending and reenacting section 1, chapter 11, Laws of 1971 as amended by section 24, chapter 105, Laws of 1975-'76 2nd ex. sess. and by section 19, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.17.010; amending and reenacting section 2, chapter 11, Laws of 1971 as amended by section 25, chapter 105, Laws of 1975-'76 2nd ex. sess. and by section 20, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.17.020; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 11, Laws of 1971 as amended by section 24, chapter 105, Laws of 1975-'76 2nd ex. sess. and by section 19, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.17.010 are each amended and reenacted to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of highways, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and economic development, (11) the department of veterans affairs, (12) the department of revenue, and ~~((+2))~~ (13) the department of retirement systems, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 2. Section 2, chapter 11, Laws of 1971 as amended by section 25, chapter 105, Laws of 1975-'76 2nd ex. sess. and by section 20, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.17.020 are each amended and reenacted to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the director of highways, (8) the director of