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Supreme Court No. 102060-1

THE SUPREME COURT OF THE STATE OF WASHINGTON

JEFFERY ARISTOTLE PECORARO, Petitioner

v.

STATE OF WASHINGTON, Respondent

PETITION FOR REVIEW

Court of Appeals No. 58058-6-II
Pierce County Superior Court No. 22-2-05999-6

Jeffery Aristotle Pecoraro, ProSe
11515 209th Ave Ct E
Bonney Lake, WA 98391
Phone: 206-825-1882
Email: jpecoraro79@gmail.com

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I. INTRODUCTION

The Washington State Legislature passed a law in 2022 allowing noncitizens to govern through gubernatorial appointment, but it must be emphasized that no law or regulation has ever given noncitizens political rights or the authority to create, execute, or regulate public policy. While noncitizens do make valuable contributions to the economy of this state and nation, they do not possess an invested interest or fidelity to such, like that of a citizen. Allowing noncitizens, without stipulations as current language does, to take on governing roles may result in conflicts of interest and potential harm to the general welfare of the state and its citizens.

II. IDENTITY OF PETITIONER

Petitioner Jeffery Aristotle Pecoraro (Pecoraro), a first-generation citizen from an immigrant father, and I am registered nurse subject to possible noncitizen regulation by the Nursing Commission, asks this Court to accept review of the Court of Appeals decision designated in Part III of this petition.

III. COURT OF APPEALS DECISION

The Court of Appeals, Division II, (COA-II) unprecedented, yet unpublished opinion filed on March 14, 2023, along with their order denying motions for reconsideration and to publish, filed on May 15, 2023 are presented for review. A copy of their decision is in the Appendix on pages A-001 through 006. A copy of the order denying the petitioner's motion for reconsideration and to publish is in the Appendix on page A-007.

IV. ISSUES PRESENTED FOR REVIEW

1. Is Foley v. Connelie, that established the federal right of governance by citizen nonelective appointees, binding to the COA-II and Supreme Court of Washington State?
2. Is Herriott v. City of Seattle, that established state political rights and reserved "...the formulation of the legal norms public and private...", *Id.* at 62, 500 P.2d at 109, to citizens alone, binding to the COA-II?
3. Is RCW 2.06.040 applicable to the opinion of COA-II, as

never before has a court granted political rights to aliens or the right to govern over citizens of the United States? Boyd v. State of Nebraska, 143 U.S. 135, 160, 12 S. Ct. 375, 381, 36 L. Ed. 103 (1892).

4. Do the People have the unenumerated right under the U.S. Const. amend. IX or Wash. Const. art. I, § 30, to be governed only by fellow citizens of the United States?

5. Is it a reserved power of the People, and not of the state, to determine who has the ability and right to govern under U.S. Const. amend. X?

6. By allowing alien appointees to have control over adjudicative proceedings, that are not qualified to serve on civil or criminal juries, RCW 2.36.070 (2), violate a licensee's due process rights guaranteed by U.S. Const. amend. XIV § 1?

7. Is it a fundamental principle, and basis of a self-governing republic, that citizens alone may govern under Wash. Const. art. I, § 32?

8. Was it the intent of this Court, in State ex rel. Tattersall,

to grant political rights with authority to govern, to aliens?

9. Does SSB 5753 threaten our manner of self-governance by assigning federal political rights and privileges to alien appointees?

10. Does the Legislature have the authority to statutorily remove citizenship requirements?¹

11. When taken by alien appointees, is the oath of allegiance for appointment to state office conflict with federal control of naturalization and how an oath may be administered to noncitizens? 8 U.S.C. § 1448.

12. Given noncitizen appointees lack "...fidelity of allegiance...", Herriott v. City of Seattle, 81 Wash. 2d 48, 63, 500 P.2d 101, 110 (1972), is it unconstitutional for a noncitizen to take a nonbinding oath of office? Wash. Const. art. I, § 6.

¹ The Legislature (Legislative Assembly) was prevented from removing the citizenship requirement in the Organic Act, Section 5 of Washington Territory. The Organic Act established the long-standing tradition of citizen governance in the Washington Territory era, and constitutionally remains in statehood. Wash. Const. art. XXVII, §§1-2.

V. STATEMENT OF THE CASE

The COA-II's opinion, which is mainly correct, outlines the case facts and procedural history. Op. at 1-6. However, Pecoraro maintains this case is distinguishable from State ex rel. Tattersall v. Yelle, 52 Wash. 2d 856, 329 P.2d 841 (1958) as the point of contention in that case concerned the residency of appointees. This case is about an appointee's citizenship status; noting "citizen" only appears once, as a reference to Wash. Const. art. III, § 25, in the opinion. *Id.* Lastly, the COA-II opinion does not address all the issues raised in the petitioner's Statement of Case section of the appellant brief. A copy of the appellant's brief is in the Appendix at pages A-008 through 024.

VI. ARGUMENT FOR ACCEPTANCE

The deference by the judicial and political systems to individual needs over that of societal needs, thus American Society must adapt to the individual, has led to noncitizens being eligible for appointment to a governing role. Given the significance of governance and the exercise of public authority,

this Petition highlights essential questions about the role of citizenship in our society; and why this Court must intervene to ensure that the fundamental principles of citizenship and public service remain respected and preserved.

A. Decision conflicts with Foley and Herriott

The COA-II overlooked and misapprehended the law and rights established in these cases. In Foley, the COA-II relies solely on the police function of the state instead of the rationale of the decision that discusses nonelective appointees. The COA-II does not discuss the binding ratio decidendi that established the federal right of citizen governance by nonelective appointees. Op. 3-4. Ultimately, the COA-II neither acknowledged this oversight nor provided an opine on the federal right the United States Supreme Court established as:

Likewise, we have recognized that citizenship may be a relevant qualification for fulfilling those "important nonelective executive, legislative, and judicial positions," held by "officers who participate in the formulation, execution, or review of broad public policy." Dougall, supra, 413 U.S. at 647, 93 S. Ct. at 2850. This is not

*because our society seeks to reserve the better jobs to its members. Rather, it is because this country entrusts many of its most important policy responsibilities to these officers, the discretionary exercise of which can often more immediately affect the lives of citizens than even the ballot of a voter or the choice of a legislator. In sum, then, it represents the choice, and right, of the people to be governed by their citizen peers. To effectuate this result, we must necessarily examine each position in question to determine whether it involves discretionary decisionmaking, or execution of policy, which substantially affects members of the political community. The essence of our holdings to date is that although we extend to aliens the right to education and public welfare, along with the ability to earn a livelihood and engage in licensed professions, **the right to govern is reserved to citizens.** Foley v. Connelie, 435 U.S. 291, 296–97, 98 S. Ct. 1067, 1071, 55 L. Ed. 2d 287 (1978). (emphasis added).*

Similarly, in Herriott, the COA-II focused only on noncitizens taking a civil service examination, and does not discuss the binding ratio decidendi that defined state political rights and the lacking fidelity of allegiance by noncitizens. Furthermore, the COA-II takes an extreme stance by construing the mentioned rights in Herriott are the exhaustive rights of citizenship. Op. 4. Even if Pecoraro were to accept this illogical

conclusion by the COA-II, the federal right established in Foley, is the supreme and controlling right. U.S. Const. art. VI, § 2. Ultimately, the COA-II neither acknowledged this oversight nor provided an opinion on the established right by this Supreme Court in Herriott as outlined below:

Citizenship** is the status accorded those persons entitled to participate in the act of governing. Citizens are members of a Political community 'who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as their collective rights.' *United States v. Cruikshank*, 92 U.S. 542, 549, 23 L.Ed. 588 (1875). See also *Minor v. Happersett*, 88 U.S. (21 Wall.) 162, 165—166, 22 L.Ed. 627 (1874). **The critical attribute which distinguishes the citizen from the alien is that the citizen possesses Political rights: a citizen in a democratic society is one who enjoys, among his privileges and immunities, the right to participate in the formulation of the legal norms—public and private—to which he is responsible. In the American scheme, an alien is not granted full membership in the sovereign people but, under the Equal Protection Clause, is granted limited membership in that body. He does not enjoy full political rights and may reside in the country only at the sufferance of the national government, but his private rights are protected from unreasonable state action during that

*residence. These political rights include the right to vote, to hold elective office and to **serve as a juror**. They differ from private or civil rights held by aliens in common with citizens, such as the right not to be excluded from employment solely on the ground of alienage, to hold property, and, if qualified, to receive public assistance. **In addition** to the distinction based on the exercise of political rights, **citizens are distinguished** from aliens in the **allegiance** they owe this country. The duty of allegiance owed by the citizen is an absolute and permanent obligation whereas the duty of allegiance owed by the **alien**, while domiciled in this country, is local and **temporary**. *Carlisle v. United States*, 83 U.S. (16 Wall.) 147, 154, 21 L.Ed. 426 (1872). **Exercise of political rights and fidelity of allegiance**, the characteristics that **distinguish the citizen from the alien**, bear no rational relationship to qualification to take a civil service examination for a position in general public employment which does not rise to the **status of public office** or which involves no requirement of security. *Id.* at 61-63, 500 P.2d at 109-110. (emphasis added).*

B. Decision avoids constitutional issues raised.

The COA-II concluded governance by noncitizens is in alignment with "...the perpetuity of free government." Op. 3 citing Wash. Const. art. I, § 32. Thus, their opinion exemplifies how enumerated rights are "... construed to deny others retained

by the people.”, Op. 3 citing Wash. Const. art. I, § 30. The COA-II neither addressed how citizen governance is repugnant to the Washington State Constitution, thus allowing for alien governance, nor how the legislature gained authority to statutorily remove the citizenship requirement they were prevented to do by Section 5 of the Washington Territory Organic Act and that remains in statehood. Wash. Const. art. XXVII, §§ 1-2.

Additionally, the COA-II does not explain how noncitizens, that are not qualified to serve on a jury, RCW 2.36.070 (2), may hold a governing role with a similar effect. Appointees have an inherent power to judge in an adjudicative hearing, RCW 18.130.100, yet barred from passing judgment in a court, this appears to be a prima facie violation of a licensee's due process rights. U.S. Const. amend. XIV § 1.

Finally, Tattersall concluded Wash. Const. art. III, § 25 is only applicable to the officers mentioned in Section 1 of the article. Although the rationale for this conclusion is appreciated,

but for it to be accurate, it must ignore: (1) Section 13 of the article titled "Vacancy in appointive office", Wash. Const. art. III, § 13 and (2) the original wording used by the framers, considering it mentioned "state treasurer" qualifications, *id.* § 25 (amended 1956)², that is not an officer defined in the unamended Section 1 of the article. The constitutional verbiage "... when at any time a vacancy shall have occurred in *any* other state office, for the filling of **which vacancy no provision is made elsewhere in this Constitution**, the governor shall fill such vacancy by appointment...", *Id.* (emphasis added), describes the appointees of this case. Furthermore, when evaluated using the accepted meaning of "any"³, it would appear uncontestable that United States citizenship is required

² Original text — Art. 3 Section 25 QUALIFICATIONS — No person, except a citizen of the United States and a qualified elector of this state, shall be eligible to hold any state office, and the state treasurer shall be ineligible for the term succeeding that for which he was elected. The compensation for state officers shall not be increased or diminished during the term for which they shall have been elected. The legislature may in its discretion abolish the offices of the lieutenant governor, auditor and commissioner of public lands.

³ The courts have an established history of equating "any" to mean "all" or "every", State v. Sutherby, 165 Wash. 2d 870, 881, 204 P.3d 916, 921 (2009), which is appropriate when evaluating "*any* state office" in Wash. Const. art. III, § 25. (emphasis added)

for these constitutionally non-provisioned appointees; noting they are classified as "state officers" by the Washington State Legislature. RCW 42.52.010 (20).

C. Decision is of substantial public interest.

The decision is of substantial public interest as the COA-II has transmogrified the fundamental tenant of our republic, that only citizens have the right to govern. Requiring United States citizenship for appointment should be without question, as boards and commissions play a critical role in regulating various industries, professions, and public policies that have a direct impact on the lives of citizens. The decisions made by these boards and commissions can often have far-reaching consequences that can affect not only individuals but also entire communities. SSB 5753 and the opinion by COA-II violate fundamental constitutional rights and principles that outline the requirements of citizenship for serving in various public offices, and in direct conflict with the intent and spirit of our federal and state constitutions. U.S. Const. amend. IX;

Wash. Const. art. I, §§ 30; 32.

VII. CONCLUSION


In addition to the reasons presented above for this Court to grant review, it is imperative to consider how removing the citizenship requirement has provided an opportunity for foreign adversaries of the United States of America to infiltrate and sabotage the function of our state government. Foreign agents can focus on espionage plans, as aliens are welcomed by the state to govern, and the execution of such plans once appointed. For the security of Washingtonians and the nation, I am respectfully requesting this Court accept review under RAP 13.4 (b)(1)(3)(4) and grant the following relief:

1. Review, assess, and opine on the constitutional validity of SSB 5753 allowing noncitizen appointment to governing roles in the State of Washington;
2. Suspend its implementation and the appointment of noncitizens until the Court has made a final determination on the merits of this petition;

3. Consider ordering the publication of the COA-II decision which set the precedent of alien governance in the State of Washington.

This document contains 2,462 words, excluding the parts of the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED this 5th day of June, 2023.

By: 
Jeffery Aristotle Pecoraro, ProSe
11515 209th Ave Ct E
Bonney Lake, WA 98391
Phone: 206-825-1882
Email: jpecoraro79@gmail.com

SUPREME COURT OF THE STATE OF WASHINGTON

JEFFERY ARISTOTLE PECORARO,
Petitioner,

v.

STATE OF WASHINGTON,
Respondent.

No.

CERTIFICATE OF SERVICE


I, JEFFERY ARISTOTLE PECORARO, declare and state as follows: On Monday, June 5, 2023, I e-mailed and e-served the listed documents related to the above cause number _____

to: sierra.mcwilliams@atg.wa.gov

- PETITION FOR REVIEW
- CERTIFICATE OF SERVICE

I, JEFFERY ARISTOTLE PECORARO, declare under penalty of perjury of the laws of the State of Washington that the foregoing information is true and correct.

Dated this 5th day of June, 2023, at Bonney Lake, Washington.



Jeffery Aristotle Pecoraro, ProSe
11515 209th Ave Ct E
Bonney Lake, WA 98391
Phone: 206-825-1882
Email: jpecoraro79@gmail.com

APPENDIX

March 14, 2023

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

JEFFERY ARISTOTLE PECORARO,

Appellant,

v.

STATE OF WASHINGTON,

Respondent.

No. 58058-6-II

UNPUBLISHED OPINION

LEE, J. — Jeffery A. Pecoraro appeals the superior court’s order granting summary judgment in favor of the State and dismissing his declaratory judgment action seeking to have Substitute Senate Bill 5753 (SSB 5753) declared unconstitutional. Pecoraro argues that SSB 5753 is unconstitutional because it removes a citizenship requirement for persons appointed to serve on certain health regulatory bodies.

The superior court properly granted summary judgment in favor of the State. Accordingly, we affirm the superior court’s order granting summary judgment in favor of the State.

FACTS

In March 2022, the legislature passed SSB 5753. SUBSTITUTE S.B (S.S.B.) 5753, 67th Leg., Reg. Sess. (Wash. 2022). On March 30, the Governor signed the bill into law. LAWS OF 2022, ch. 240. As relevant here, SSB 5753 removed the citizenship requirement for members

appointed to several health regulatory boards in the state.¹ *See e.g.* S.S.B. 5753 § 2 (“Members must be ~~((citizens of the United States and))~~ residents of this state.”).

On April 25, Pecoraro filed a declaratory judgment action, alleging SSB 5753 was unconstitutional because the Washington Constitution requires state officers to be United States citizens. Pecoraro’s complaint relied on article III, section 25 of the Washington Constitution, which requires state officers to be United States citizens.²

Pecoraro then filed a motion for summary judgment. In his motion for summary judgment, Pecoraro argued that there are political rights which prevent noncitizens from participating in government—essentially United States citizens have the right to be governed only by other United States citizens.

The superior court ruled that there was no genuine issue of material fact and the State was entitled to judgment as a matter of law. Therefore, the superior court granted summary judgment to the State.

Pecoraro appeals.

¹ For reference, the legislature removed the citizenship requirement for members serving on the following boards: Dental Quality Assurance Commission, Board of Nursing Home Administrators, Veterinary Board of Governors, Examining Board of Psychology, Pharmacy Quality Assurance Commission, Optometry Board, Board of Osteopathic Medicine and Surgery, Orthotics and Prosthetics Advisory Committee, Chiropractic Quality Assurance Commission, Nursing Care Quality Assurance Commission, and Washington Medical Commission. S.S.B. 5753 §§ 2, 4, 7, 10, 13, 23, 27, 30, 31, 32, 33.

² In *State ex rel. Tattersall v. Yelle*, 52 Wn.2d 856, 864, 329 P.2d 841 (1958), our Supreme Court held that the citizenship requirement for state officers in article III, section 25 “appl[ies] only to the elected ‘state officers’ named in Art. III, § 1,” specifically governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, and commissioner of public lands. On appeal, Pecoraro only argues that SSB 5753 infringes on “citizens’ political and due process rights” to avoid revisiting *Tattersall*. Br. of Appellant at 1. Because Pecoraro has abandoned his claim that SSB 5753 is unconstitutional under article III, section 25, we only address his argument that SSB 5753 violates his political and due process right to be governed only by United States citizens.

ANALYSIS

A. SSB 5753

Pecoraro argues that SSB 5753 is unconstitutional because due process provides that citizens have the unenumerated political right to only be governed by United States citizens. We disagree.

We review orders on summary judgment de novo. *Frausto v. Yakima HMA, LLC*, 188 Wn.2d 227, 231, 393 P.3d 776 (2017). Summary judgment is appropriate if there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. CR 56(c). When the facts are not in dispute, the court may order summary judgment in favor of the nonmoving party. *See Impehoven v. Dep't of Revenue*, 120 Wn.2d 357, 365, 841 P.2d 752 (1992).

Article I, section 30 of the Washington Constitution provides, “The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.” And article I, section 32 provides, “A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.” Neither of these provisions provide a right to only be governed by United States’ citizens.

However, Pecoraro asserts these provisions incorporate the unenumerated political right to be governed by United States’ citizens recognized in *Foley v. Connelie*, 435 U.S. 291, 98 S. Ct. 1067, 55 L. Ed. 2d 287 (1978) and *Herriott v. City of Seattle*, 81 Wn.2d 48, 500 P.2d 101 (1972). But neither of these cases establish the broad political right Pecoraro claims.

In *Foley*, the United States Supreme Court held that a statute requiring members of the state police force to be United States citizens did not violate the equal protection clause. 435 U.S. at 299-300. The Court recognized that “the police function is essentially a description of one of the basic functions of government” that required a very high degree of judgment and discretion.

Id. at 297-98. This important participation in government function justified requiring police officers to be United States citizens if the legislature chose to do so. *Id.* at 300 (“A State *may*, therefore, consonant with the Constitution, confine the performance of this important public responsibility to citizens of the United States.”) (emphasis added).

Similarly, in *Herriott*, our Supreme Court addressed whether the City of Seattle could impose a United States citizenship requirement in order for transit operators to apply to take the civil service examination. 81 Wn.2d at 50. Our Supreme Court held the citizenship requirement violated equal protection because the city failed to show a reasonable relationship between the citizenship requirements and qualification to take the civil service examination. *Id.* at 61. The court recognized that there were political rights—the right to vote, to hold elective office, and to serve as a juror—that distinguish aliens from citizens. *Id.* at 61-62. When the characteristics of a particular position requires exercise of political rights or fidelity of allegiance to this country, the government can establish a rational relationship between the position and a citizenship requirement, *if* the government chooses to impose one. *Id.* at 63. Because transit operator required neither the exercise of political rights nor fidelity of allegiance, the city’s citizenship requirement violated equal protection. *Id.*

Neither *Foley* nor *Herriott* establish that citizenship is a requirement for non-elected positions that require the execution of basic functions of government or political rights. Similarly, neither case establishes that United States citizens have the exclusive right to be governed only by United States citizens. Instead, these cases establish that participation in the function of government or exercise of political rights can justify a citizenship requirement if the legislature chooses to impose one.

Here, the legislature has exercised its discretion and determined that a citizenship requirement to serve on health regulatory boards is not necessary. This is a decision within the legislature's right to make and is not restrained by constitutional requirements. *See State ex rel. Tattersall v. Yelle*, 52 Wn.2d 856, 861-62, 329 P.2d 841 (1958) (“The state constitution is not a grant, but a restriction, of legislative power, and the power of the legislature to enact laws is unrestrained except where it is expressly or inferentially prohibited by the state or Federal constitution.”). Accordingly, the superior court properly granted summary judgment in favor of the State.

B. ATTORNEY FEES ON APPEAL

Pecoraro, a self-represented litigant, requests attorney fees and costs under RAP 18.1 and RAP 14.2. Under RAP 18.1(a), attorney fees may be awarded on appeal if applicable law grants a party the right to recover reasonable attorney fees. However, self-represented litigants are not entitled to recover attorney fees. *See West v. Thurston County*, 168 Wn. App. 162, 195, 275 P.3d 1200 (2012).

Under RAP 14.2, costs may be awarded to the party that substantially prevails on appeal. Because we affirm the superior court's decision, Pecoraro is not the substantially prevailing party. Accordingly, we deny Pecoraro's request for attorney fees and costs on appeal.

We affirm the superior court's order granting summary judgment in favor of the State.³

³ In his reply brief, Pecoraro moved to stay the superior court's judgment in order to prevent SSB 5753 from becoming effective. Under RAP 17.4(d), “A party may include in a brief only a motion which, if granted, would preclude hearing the case on the merits.” Accordingly, it is improper to include a motion to stay the superior court in a reply brief, and we do not consider Pecoraro's motion to stay.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

J, J

Lez, J.

We concur:

Cruser, J.

Cruser, A.C.J.

Price, J.

Price, J.

May 15, 2023

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

JEFFERY ARISTOTLE PECORARO,

Appellant,

v.

STATE OF WASHINGTON,

Respondent.

No. 58058-6-II

ORDER DENYING MOTION
FOR RECONSIDERATION,
AND ORDER DENYING
MOTION TO PUBLISH

Appellant, Jeffery Aristotle Pecoraro, filed a motion for reconsideration of this court's unpublished opinion filed on March 14, 2023. In his motion, Pecoraro also moves to publish this court's unpublished opinion. After consideration, it is hereby

ORDERED that the motion for reconsideration is denied. It is further

ORDERED that the motion to publish is denied.

FOR THE COURT: Jj. Lee, Cruser, Price



LEE, JUDGE

FILED
SUPREME COURT
STATE OF WASHINGTON
8/8/2022 8:00 AM
BY ERIN L. LENNON
CLERK

No. 101054-1

SUPREME COURT OF THE STATE OF WASHINGTON

JEFFERY ARISTOTLE PECORARO, Appellant

v.

STATE OF WASHINGTON, Respondent

APPEAL FROM THE SUPERIOR COURT

OF PIERCE COUNTY

THE HONORABLE BRYAN CHUSHCOFF

BRIEF OF APPELLANT

Jeffery Aristotle Pecoraro, ProSe
11515 209th Ave Ct E
Bonney Lake, WA 98391
Phone: 206-825-1882
Email: jpecoraro79@gmail.com

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(last visited July 30, 2022)

I. INTRODUCTION

This case raises concerns of compromised due process rights of licensees, and the general welfare of the citizens of Washington State. Aliens in governing roles, lacking experience with the American regulatory scheme, do not serve the best interests of the People. S.S.B. 5753 allows aliens to define the parameters of safe practice, on behalf of the People, and bestows the authority to regulate licensees' due process rights during adjudicative proceedings. RCW 18.130.100. As aliens are not qualified to serve on a jury, RCW 2.36.070 (2), and applying necessary inference, prudent to conclude they should not be qualified for appointment as an executive state officer as defined in RCW 42.52.010 (20).

Case evaluation, based on the state's infringement of citizens' political and due process rights, will allow this Court to avoid revisiting State ex rel. Tattersall v. Yelle, 52 Wn.2d 856, 329 P.2d 841 (1958), to debate the framers intended meaning of "any" within the state

constitution: "...shall be eligible to hold **any** state office..." (emphasis added) Wash. Const. art. III, § 25; as "any" within a constitution, tends to mean "all" or "every". David S. Elder, "Any and All": To Use Or Not To Use?, Mich. B.J. 1070 (1991). Notably the framers did not utilize restrictive language, like "state officer" or "officer of the state", but instead language applicable to the too many to list roles of governance. *Id.* In addition, avoid the debate on unenumerated rights, Wash. Const. art. I, § 30; U.S. Const. amend. IX, and avoid defining fundamental principles of governance, Wash. Const. art. I, § 32; U.S. Const. amend. X; notwithstanding it is a deeply rooted tradition, predating statehood, to require United States citizenship to govern. Section 5 of the Organic Act of Washington Territory required United State Citizenship for **any** office and specifically prevented the Legislative Assembly from being able to alter the United States citizenship requirement to be eligible for **any** office. (emphasis added) Wash. Legis.: Territorial Government (Organic Act) § 5,

<https://leg.wa.gov/History/Territorial/Pages/territory.aspx> (last visited July 30, 2022). It is reasonable to conclude citizenship requirements were vital to liberty, yet the state's response to this case compromises that very liberty, and further validates the framers strong distrust in government. When determining an unenumerated right, its tradition and effect on liberty, are key factors in judicial review to determine if a right exists as in Dobbs v. Jackson Women's Health Org., 142 S. Ct. 2228, 2235 (2022); Yelle v. Bishop, 55 Wn.2d 286, 291, 347 P.2d 1081, 1084 (1959); State v. Howell, 107 Wash. 167, 168, 181 P. 920, 921 (1919).

Ultimately, the state attempts to distract from these issues, claiming the issue is of protecting aliens' civil rights. This is not the case, as the issue is not of civil rights, but that of political rights and whom may govern. Sugarman v. Dougall, 413 U.S. 634, 93 S. Ct. 2842, 37 L. Ed. 2d 853 (1973). S.S.B. 5753 is a law that "...abridge the privileges or immunities of citizens of the United States..." by compromising licensees' "...due process of law....", U.S. Const. amend.

XIV § 1; antithetical to the founding principles of this nation, territory, and state.

II. ASSIGNMENTS OF ERROR

RAP 10.3(g) applies to finding of fact errors, and this case results from the Superior Court's conclusion of law, thus not required. See Schweib v. Crosby, 160 Wn. App. 345, 349-50, 249 P.3d 184 (2011). In addition, neither party disputes the pertinent facts of this case.

III. STATEMENT OF THE CASE

1. Was it the intent of this Court, in State ex rel. Tattersall, to grant political rights, with authority to govern, to aliens?
2. Do the People have the unenumerated right, under Wash. Const. art. I, § 30 or U.S. Const. amend. IX, to only be governed by fellow citizens of the United States?

3. Is it a fundamental principle, and basis for a self-governing republic, that citizens alone may govern under Wash. Const. art. I, § 32?

4. Is it a reserved power of the People, and not of the State, to determine whom has the power and right to govern under U.S. Const. amend. X?

5. Does the oath of allegiance, when taken by alien appointees, conflict with federal control of administering the oath of allegiance during naturalization? 8 U.S.C. § 1448.

6. Does SSB 5753 assign federal political rights and privileges that are secured to a citizen to alien appointees?

7. By allowing alien appointees to have control of adjudicative proceedings, does it violate due process rights of the licensee? U.S. Const. amend. XIV § 1.

IV. ARGUMENT

A. POLITICAL RIGHTS

State actions that protect citizens' political rights, when subjected to judicial review, are to "... be construed Narrowly." Nielsen v. Washington State Bar Ass'n, 90 Wn.2d 818, 825, 585 P.2d 1191, 1195 (1978). Whereas in this case, the state encroaches the People's political rights. Arguably, when applying Nielsen, judicial review requires strict scrutiny. *Id.* S.S.B. 5753 is not a solution, instead creates problems by radically changing the manner of governance and disenfranchising citizens' political rights. " The critical attribute which distinguishes the citizen from the alien is that the citizen possesses Political rights: a citizen in a democratic society is one who enjoys, among his *privileges and immunities*, the right to participate in the formulation of the legal norms—public and private—to which he is responsible." (emphasis added) Herriott v. City of Seattle, 81 Wn.2d 48, 61–62, 500 P.2d 101, 109–10 (1972).

Furthermore the required oath of office is meaningless, as administration of an oath to the constitution to an alien is exclusive to the federal government, 8 U.S.C. § 1448. Alien governance is inconsistent with this Court's opinion regarding whom may be involved with governance. Herriott. Upon naturalization, with open arms, they are welcome to govern; if not for this fact alone: "Do you know what percentage of immigrants pass the civics test their first try? **90 percent**.", (emphasis added) Judge Don R. Willett, Flunking the Founding: Civic Illiteracy and the Rule of Law, Cato Sup. Ct. Rev. 13, 25 (2021); showing greater knowledge of civics than American high school students, which only **5 percent** pass the same exam on the first attempt. (emphasis added) *Id.*

B. DUE PROCESS

This state has a history of encroaching on its citizens federal and state rights of due process, State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021); Troxel v. Granville, 530 U.S. 57, 120 S. Ct. 2054,

147 L. Ed. 2d 49 (2000); State v. A.L.R.H., 20 Wn. App. 2d 384, 500 P.3d 188 (2021); In re Parentage of C.A.M.A., 154 Wn.2d 52, 109 P.3d 405 (2005); Andersen v. King Cnty., 158 Wn.2d 1, 138 P.3d 963 (2006), abrogated by Obergefell v. Hodges, 576 U.S. 644, 135 S. Ct. 2584, 192 L. Ed. 2d 609 (2015), and with an apathetic electorate that exhibits "a deep misunderstanding of American self-government", Willett, *supra* at 20, will likely continue to encroach on the rights of its citizens. Fortunately, there are patriots aware of "the how" and "the why" for this nation's founding, cognizant that: "no state, since the adoption of the constitution, can, by naturalizing an alien, invest him with the rights and privileges secured to a citizen of a state under the federal government...". Boyd v. State of Nebraska, 143 U.S. 135, 160, 12 S. Ct. 375, 381, 36 L. Ed. 103 (1892). Prima facie, in direct conflict with Boyd, the state bestows political rights to aliens while negating the People's right of due process as "... the right to govern is reserved to citizens." Foley v. Connelie, 435 U.S. 291, 297, 98 S. Ct.

1067, 1071, 55 L. Ed. 2d 287 (1978). Due process is a fundamental principle and right of this nation, accorded to citizen and alien alike, however participation in and control of due process proceedings are exclusive to the citizen. "Between these alternatives there is no middle ground. The constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and like other acts, is alterable when the legislature shall please to alter it." Marbury v. Madison, 5 U.S. 137, 177, 2 L. Ed. 60 (1803).

V. ATTORNEY FEES AND EXPENSES

Pecoraro requests, if determined to be prevailing party, reimbursement for expenses incurred in pursuing the claim and time for legal research for documents filed. RAP 14.2; RAP 18.1.

VI. CONCLUSION

For all these reasons, this Court should hold it is an exclusive right to be governed by citizens, which cannot be statutorily altered or removed.

This document contains 1,425 words, excluding the parts of the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED this 7th day of August, 2022

By: _____



Jeffery Aristotle Pecoraro, ProSe
11515 209th Ave Ct E
Bonney Lake, WA 98391
Phone: 206-825-1882
Email: jpecoraro79@gmail.com

SUPREME COURT OF THE STATE OF WASHINGTON

JEFFERY ARISTOTLE PECORARO,)
Appellant,) No. 101054-1
v.)
STATE OF WASHINGTON,) CERTIFICATE OF SERVICE
Respondent.)

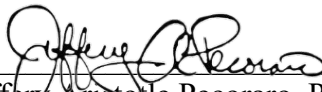
I, JEFFERY ARISTOTLE PECORARO, declare and state as follows:

On Wednesday, August 7, 2022, I e-mailed and e-served the listed documents related to the above cause number: sierra.mcwilliams@atg.wa.gov

- BRIEF OF APPELLANT
- CERTIFICATE OF SERVICE

I, JEFFERY ARISTOTLE PECORARO, declare under penalty of perjury of the laws of the State of Washington that the foregoing information is true and correct.

Dated this 7th day of August, 2022, at Bonney Lake, Washington.



Jeffery Aristotle Pecoraro, ProSe
11515 209th Ave Ct E
Bonney Lake, WA 98391
Phone: 206-825-1882
Email: jpecoraro79@gmail.com

States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

²In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

³The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION. 3. ¹Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

²The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE. IV.

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION. 2. ¹The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

²A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

³No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.¹¹

SECTION. 3. ¹New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

²The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

¹¹ This clause has been affected by amendment XIII.

SECTION. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE. VI.

¹All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

²This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

³The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth IN WITNESS whereof We have hereunto subscribed our Names,

G^O. WASHINGTON—*Presid^t*.

and deputy from Virginia

[Signed also by the deputies of twelve States.]

New Hampshire

JOHN LANGDON

ARTICLE [VII.]

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ARTICLE [VIII.]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE [IX.]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE [X.]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

[ARTICLE XI.]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

PROPOSAL AND RATIFICATION

The eleventh amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Third Congress, on the 4th of March 1794; and was declared in a message from the President to Congress, dated the 8th of January, 1798, to have been ratified by the legislatures of three-fourths of the States. The dates of ratification were: New York, March 27, 1794; Rhode Island, March 31, 1794; Connecticut, May 8, 1794; New Hampshire, June 16, 1794; Massachusetts, June 26, 1794; Vermont, between October 9, 1794 and November 9, 1794; Virginia, November 18, 1794; Georgia, November 29, 1794; Kentucky, December 7, 1794; Maryland, December 26, 1794; Delaware, January 23, 1795; North Carolina, February 7, 1795.

Ratification was completed on February 7, 1795.

The amendment was subsequently ratified by South Carolina on December 4, 1797. New Jersey and Pennsylvania did not take action on the amendment.

[ARTICLE XII.]

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number

be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.¹⁴—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

PROPOSAL AND RATIFICATION

The twelfth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Eighth Congress, on the 9th of December, 1803, in lieu of the original third paragraph of the first section of the second article; and was declared in a proclamation of the Secretary of State, dated the 25th of September, 1804, to have been ratified by the legislatures of 13 of the 17 States. The dates of ratification were: North Carolina, December 21, 1803; Maryland, December 24, 1803; Kentucky, December 27, 1803; Ohio, December 30, 1803; Pennsylvania, January 5, 1804; Vermont, January 30, 1804; Virginia, February 3, 1804; New York, February 10, 1804; New Jersey, February 22, 1804; Rhode Island, March 12, 1804; South Carolina, May 15, 1804; Georgia, May 19, 1804; New Hampshire, June 15, 1804.

Ratification was completed on June 15, 1804.

The amendment was subsequently ratified by Tennessee, July 27, 1804.

The amendment was rejected by Delaware, January 18, 1804; Massachusetts, February 3, 1804; Connecticut, at its session begun May 10, 1804.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

PROPOSAL AND RATIFICATION

The thirteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-eighth Congress, on the 31st day of January, 1865, and was declared, in a procla-

¹⁴This section has been superseded by section 3 of amendment XX.

mation of the Secretary of State, dated the 18th of December, 1865, to have been ratified by the legislatures of twenty-seven of the thirty-six States. The dates of ratification were: Illinois, February 1, 1865; Rhode Island, February 2, 1865; Michigan, February 2, 1865; Maryland, February 3, 1865; New York, February 3, 1865; Pennsylvania, February 3, 1865; West Virginia, February 3, 1865; Missouri, February 6, 1865; Maine, February 7, 1865; Kansas, February 7, 1865; Massachusetts, February 7, 1865; Virginia, February 9, 1865; Ohio, February 10, 1865; Indiana, February 13, 1865; Nevada, February 16, 1865; Louisiana, February 17, 1865; Minnesota, February 23, 1865; Wisconsin, February 24, 1865; Vermont, March 9, 1865; Tennessee, April 7, 1865; Arkansas, April 14, 1865; Connecticut, May 4, 1865; New Hampshire, July 1, 1865; South Carolina, November 13, 1865; Alabama, December 2, 1865; North Carolina, December 4, 1865; Georgia, December 6, 1865.

Ratification was completed on December 6, 1865.

The amendment was subsequently ratified by Oregon, December 8, 1865; California, December 19, 1865; Florida, December 28, 1865 (Florida again ratified on June 9, 1868, upon its adoption of a new constitution); Iowa, January 15, 1866; New Jersey, January 23, 1866 (after having rejected the amendment on March 16, 1865); Texas, February 18, 1870; Delaware, February 12, 1901 (after having rejected the amendment on February 8, 1865); Kentucky, March 18, 1976 (after having rejected it on February 24, 1865); Mississippi, March 16, 1995 (after having rejected it on December 4, 1865).

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age,¹⁵ and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or

given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

PROPOSAL AND RATIFICATION

The fourteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-ninth Congress, on the 13th of June, 1866. It was declared, in a certificate of the Secretary of State dated July 28, 1868 to have been ratified by the legislatures of 28 of the 37 States. The dates of ratification were: Connecticut, June 25, 1866; New Hampshire, July 6, 1866; Tennessee, July 19, 1866; New Jersey, September 11, 1866 (subsequently the legislature rescinded its ratification, and on March 24, 1868, readopted its resolution of rescission over the Governor's veto, and on Nov. 12, 1980, expressed support for the amendment); Oregon, September 19, 1866 (and rescinded its ratification on October 16, 1868, but reratified the amendment on April 25, 1973); Vermont, October 30, 1866; Ohio, January 11, 1867 (and rescinded its ratification on January 15, 1868, but reratified the amendment on March 12, 2003); New York, January 10, 1867; Kansas, January 11, 1867; Illinois, January 15, 1867; West Virginia, January 16, 1867; Michigan, January 16, 1867; Minnesota, January 16, 1867; Maine, January 19, 1867; Nevada, January 22, 1867; Indiana, January 23, 1867; Missouri, January 25, 1867; Rhode Island, February 7, 1867; Wisconsin, February 7, 1867; Pennsylvania, February 12, 1867; Massachusetts, March 20, 1867; Nebraska, June 15, 1867; Iowa, March 16, 1868; Arkansas, April 6, 1868; Florida, June 9, 1868; North Carolina, July 4, 1868 (after having rejected it on December 14, 1866); Louisiana, July 9, 1868 (after having rejected it on February 6, 1867); South Carolina, July 9, 1868 (after having rejected it on December 20, 1866).

Ratification was completed on July 9, 1868.

The amendment was subsequently ratified by Alabama, July 13, 1868; Georgia, July 21, 1868 (after having rejected it on November 9, 1866); Virginia, October 8, 1869 (after having rejected it on January 9, 1867); Mississippi, January 17, 1870; Texas, February 18, 1870 (after having rejected it on October 27, 1866); Delaware, February 12, 1901 (after having rejected it on February 8, 1867); Maryland, April 4, 1959 (after having rejected it on March 23, 1867); California, May 6, 1959; Kentucky, March 18, 1976 (after having rejected it on January 8, 1867).

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

PROPOSAL AND RATIFICATION

The fifteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Fortieth Congress, on the 26th of February, 1869, and was declared, in a proclamation of

¹⁵ See amendment XIX and section 1 of amendment XXVI.

- 1 Equality not denied because of sex.
- 2 Enforcement power of legislature.

Article XXXII — SPECIAL REVENUE FINANCING

Sections

- 1 Special revenue financing.

PREAMBLE

We, the people of the State of Washington, grateful to the Supreme Ruler of the universe for our liberties, do ordain this constitution.

**ARTICLE I
DECLARATION OF RIGHTS**

SECTION 1 POLITICAL POWER. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

SECTION 2 SUPREME LAW OF THE LAND. The Constitution of the United States is the supreme law of the land.

SECTION 3 PERSONAL RIGHTS. No person shall be deprived of life, liberty, or property, without due process of law.

SECTION 4 RIGHT OF PETITION AND ASSEMBLAGE. The right of petition and of the people peaceably to assemble for the common good shall never be abridged.

SECTION 5 FREEDOM OF SPEECH. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right.

SECTION 6 OATHS - MODE OF ADMINISTERING. The mode of administering an oath, or affirmation, shall be such as may be most consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered.

SECTION 7 INVASION OF PRIVATE AFFAIRS OR HOME PROHIBITED. No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

SECTION 24 RIGHT TO BEAR ARMS. The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.

SECTION 25 PROSECUTION BY INFORMATION. Offenses heretofore required to be prosecuted by indictment may be prosecuted by information, or by indictment, as shall be prescribed by law.

SECTION 26 GRAND JURY. No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order.

SECTION 27 TREASON, DEFINED, ETC. Treason against the state shall consist only in levying war against the state, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

SECTION 28 HEREDITARY PRIVILEGES ABOLISHED. No hereditary emoluments, privileges, or powers, shall be granted or conferred in this state.

SECTION 29 CONSTITUTION MANDATORY. The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.

SECTION 30 RIGHTS RESERVED. The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.

SECTION 31 STANDING ARMY. No standing army shall be kept up by this state in time of peace, and no soldier shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

SECTION 32 FUNDAMENTAL PRINCIPLES. A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.

SECTION 33 RECALL OF ELECTIVE OFFICERS. Every elective public officer of the state of Washington except [except] judges of courts of record is subject to recall and discharge by the legal voters of the state, or of the political subdivision of the state, from which he was elected whenever a petition demanding his recall, reciting that such officer has committed some act or acts of malfeasance or misfeasance while in office, or who has violated his oath of office, stating the matters complained of, signed by the percentages of the qualified

Original text — Art. 3 Section 12 VETO POWER — Every act which shall have passed the legislature shall be, before it becomes a law, presented to the governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law; but in all cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within five days, Sundays excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law unless the governor, within ten days next after the adjournment, Sundays excepted, shall file such bill with his objections thereto, in the office of secretary of state, who shall lay the same before the legislature at its next session in like manner as if it had been returned by the governor. If any bill presented to the governor contain several sections or items, he may object to one or more sections or items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the section, or sections; item or items to which he objects and the reasons therefor, and the section or sections, item or items so objected to, shall not take effect unless passed over the governor's objection, as hereinbefore provided.

Veto power does not extend to initiated or referred measures:
Art. 2 Section 1(d).

SECTION 13 VACANCY IN APPOINTIVE OFFICE. When, during a recess of the legislature, a vacancy shall happen in any office, the appointment to which is vested in the legislature, or when at any time a vacancy shall have occurred in any other state office, for the filling of which vacancy no provision is made elsewhere in this Constitution, the governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

Appointment of governing boards of educational, reformatory and penal institutions: Art. 13 Section 1.

Governmental continuity during emergency periods: Art. 2 Section 42.

SECTION 14 SALARY. The governor shall receive an annual salary of four thousand dollars, which may be increased by law, but shall never exceed six thousand dollars per annum.

Compensation of legislators, elected state officials, and judges: Art. 28 Section 1, Art. 30.

SECTION 21 ATTORNEY GENERAL, DUTIES AND SALARY. The attorney general shall be the legal adviser of the state officers, and shall perform such other duties as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the legislature, but shall never exceed thirty-five hundred dollars per annum.

Compensation of legislators, elected state officials, and judges: Art. 28 Section 1, Art. 30.

SECTION 22 SUPERINTENDENT OF PUBLIC INSTRUCTION, DUTIES AND SALARY. The superintendent of public instruction shall have supervision over all matters pertaining to public schools, and shall perform such specific duties as may be prescribed by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by law, but shall never exceed four thousand dollars per annum.

Compensation of legislators, elected state officials, and judges: Art. 28 Section 1, Art. 30.

SECTION 23 COMMISSIONER OF PUBLIC LANDS — COMPENSATION. The commissioner of public lands shall perform such duties and receive such compensation as the legislature may direct.

SECTION 24 RECORDS, WHERE KEPT, ETC. The governor, secretary of state, treasurer, auditor, superintendent of public instruction, commissioner of public lands and attorney general shall severally keep the public records, books and papers relating to their respective offices, at the seat of government, at which place also the governor, secretary of state, treasurer and auditor shall reside.

Governmental continuity during emergency periods: Art. 2 Section 42.

SECTION 25 QUALIFICATIONS, COMPENSATION, OFFICES WHICH MAY BE ABOLISHED. No person, except a citizen of the United States and a qualified elector of this state, shall be eligible to hold any state office. The compensation for state officers shall not be increased or diminished during the term for which they shall have been elected. The legislature may in its discretion abolish the offices of the lieutenant governor, auditor and commissioner of public lands. [AMENDMENT 31, 1955 Senate Joint Resolution No. 6, p 1861. Approved November 6, 1956.]

Authorizing compensation increase during term: Art. 30 Section 1.

Increase or diminution of compensation during term of office prohibited.

county, city, town or municipal officers: Art. 11 Section 8.

judicial officers: Art. 4 Section 13.

public officers: Art. 2 Section 25.

Original text — Art. 3 Section 25 QUALIFICATIONS — No person, except a citizen of the United States and a qualified elector of this state, shall be eligible to hold any state office, and the state treasurer shall be ineligible for the term succeeding that for which he was elected. The compensation for state officers shall not be increased or diminished during the term for which they shall have been elected. The legislature may in its discretion abolish the offices of the lieutenant governor, auditor and commissioner of public lands.

ARTICLE IV THE JUDICIARY

SECTION 1 JUDICIAL POWER, WHERE VESTED. The judicial power of the state shall be vested in a supreme court, superior courts, justices of the peace, and such inferior courts as the legislature may provide.

Court of appeals: Art. 4 Section 30.

SECTION 2 SUPREME COURT. The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum, and pronounce a decision. The said court shall always be open for the transaction of business except on nonjudicial days. In the determination of causes all decisions of the court shall be given in writing and the grounds of the decision shall be stated. The legislature may increase the number of judges of the supreme court from time to time and may provide for separate departments of said court.

SECTION 2(a) TEMPORARY PERFORMANCE OF JUDICIAL DUTIES. When necessary for the prompt and orderly administration of justice a majority of the Supreme Court is empowered to authorize judges or retired judges of courts of record of this state, to perform, temporarily, judicial duties in the Supreme Court, and to authorize any superior court judge to perform judicial duties in any superior court of this state. [AMENDMENT 38, 1961 House Joint Resolution No. 6, p 2757. Approved November, 1962.]

SECTION 3 ELECTION AND TERMS OF SUPREME COURT JUDGES. The judges of the supreme court shall be elected by the qualified electors of the state at large at the general state election at the times and places at which state officers are elected, unless some other time be provided by the legislature. The first election of judges of the supreme court shall be at the election which shall be held upon the adoption of this Constitution and the judges elected thereat shall be classified by lot, so that two shall hold their office for the term of three years, two for the term of five years, and one for the term of seven years. The lot shall be drawn by the judges who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of state, and filed in his office. The supreme court shall select a chief justice from its own membership to serve for a four-year term at the pleasure of a majority of the court as prescribed by supreme court rule. The chief justice

and that no taxes shall be imposed by the state on lands or property therein, belonging to or which may be hereafter purchased by the United States or reserved for use: *Provided*, That nothing in this ordinance shall preclude the state from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such an extent as such act of congress may prescribe.

Third. The debts and liabilities of the Territory of Washington and payment of the same are hereby assumed by this state.

Fourth. Provision shall be made for the establishment and maintenance of systems of public schools free from sectarian control which shall be open to all the children of said state.

ARTICLE XXVII SCHEDULE

In order that no inconvenience may arise by reason of a change from a Territorial to a State government, it is hereby declared and ordained as follows:

SECTION 1 EXISTING RIGHTS, ACTIONS, AND CONTRACTS SAVED. No existing rights, actions, suits, proceedings, contracts or claims shall be affected by a change in the form of government, but all shall continue as if no such change had taken place; and all process which may have been issued under the authority of the Territory of Washington previous to its admission into the Union shall be as valid as if issued in the name of the state.

SECTION 2 LAWS IN FORCE CONTINUED. All laws now in force in the Territory of Washington, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the legislature: *Provided*, That this section shall not be so construed as to validate any act of the legislature of Washington Territory granting shore or tide lands to any person, company or any municipal or private corporation.

SECTION 3 DEBTS, FINES, ETC., TO INURE TO THE STATE. All debts, fines, penalties and forfeitures, which have accrued, or may hereafter accrue, to the Territory of Washington, shall inure to the State of Washington.

SECTION 4 RECOGNIZANCES. All recognizances heretofore taken, or which may be taken before the change from a territorial to a state government shall remain valid, and shall pass to, and may be prosecuted in the name of the state; and all bonds executed to the Territory of Washington or to any county or municipal corporation, or to any officer or court in his or its official capacity, shall pass to the state authorities and their successors in office, for the uses therein

§ 1448. Oath of renunciation and allegiance**(a) Public ceremony**

A person who has applied for naturalization shall, in order to be and before being admitted to citizenship, take in a public ceremony before the Attorney General or a court with jurisdiction under section 1421(b) of this title an oath (1) to support the Constitution of the United States; (2) to renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which the applicant was before a subject or citizen; (3) to support and defend the Constitution and the laws of the United States against all enemies, foreign and domestic; (4) to bear true faith and allegiance to the same; and (5)(A) to bear arms on behalf of the United States when required by the law, or (B) to perform noncombatant service in the Armed Forces of the United States when required by the law, or (C) to perform work of national importance under civilian direction when required by the law. Any such person shall be required to take an oath containing the substance of clauses (1) to (5) of the preceding sentence, except that a person who shows by clear and convincing evidence to the satisfaction of the Attorney General that he is opposed to the bearing of arms in the Armed Forces of the United States by reason of religious training and belief shall be required to take an oath containing the substance of clauses (1) to (4) and clauses (5)(B) and (5)(C) of this subsection, and a person who shows by clear and convincing evidence to the satisfaction of the Attorney General that he is opposed to any type of service in the Armed Forces of the United States by reason of religious training and belief shall be required to take an oath containing the substance of said clauses (1) to (4) and clause (5)(C). The term “religious training and belief” as used in this section shall mean an individual’s belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code. In the case of the naturalization of a child under the provisions of section 1433 of this title the Attorney General may waive the taking of the oath if in the opinion of the Attorney General the child is unable to understand its meaning. The Attorney General may waive the taking of the oath by a person if in the opinion of the Attorney General the person is unable to understand, or to communicate an understanding of, its meaning because of a physical or developmental disability or mental impairment. If the Attorney General waives the taking of the oath by a person under the preceding sentence, the person shall be considered to have met the requirements of section 1427(a)(3) of this title with respect to attachment to the principles of the Constitution and well disposition to the good order and happiness of the United States.

(b) Hereditary titles or orders of nobility

In case the person applying for naturalization has borne any hereditary title, or has been of any of the orders of nobility in any foreign state, the applicant shall in addition to com-

plying with the requirements of subsection (a) of this section, make under oath in the same public ceremony in which the oath of allegiance is administered, an express renunciation of such title or order of nobility, and such renunciation shall be recorded as a part of such proceedings.

(c) Expedited judicial oath administration ceremony

Notwithstanding section 1421(b) of this title, an individual may be granted an expedited judicial oath administration ceremony or administrative naturalization by the Attorney General upon demonstrating sufficient cause. In determining whether to grant an expedited judicial oath administration ceremony, a court shall consider special circumstances (such as serious illness of the applicant or a member of the applicant’s immediate family, permanent disability sufficiently incapacitating as to prevent the applicant’s personal appearance at the scheduled ceremony, developmental disability or advanced age, or exigent circumstances relating to travel or employment). If an expedited judicial oath administration ceremony is impracticable, the court shall refer such individual to the Attorney General who may provide for immediate administrative naturalization.

(d) Rules and regulations

The Attorney General shall prescribe rules and procedures to ensure that the ceremonies conducted by the Attorney General for the administration of oaths of allegiance under this section are public, conducted frequently and at regular intervals, and are in keeping with the dignity of the occasion.

(June 27, 1952, ch. 477, title III, ch. 2, §337, 66 Stat. 258; Pub. L. 97-116, §18(o), Dec. 29, 1981, 95 Stat. 1621; Pub. L. 101-649, title IV, §407(c)(18), (d)(15), Nov. 29, 1990, 104 Stat. 5041, 5044; Pub. L. 102-232, title I, §102(b)(2), title III, §305(i), Dec. 12, 1991, 105 Stat. 1736, 1750; Pub. L. 106-448, §1, Nov. 6, 2000, 114 Stat. 1939.)

Editorial Notes**AMENDMENTS**

2000—Subsec. (a). Pub. L. 106-448 inserted at end “The Attorney General may waive the taking of the oath by a person if in the opinion of the Attorney General the person is unable to understand, or to communicate an understanding of, its meaning because of a physical or developmental disability or mental impairment. If the Attorney General waives the taking of the oath by a person under the preceding sentence, the person shall be considered to have met the requirements of section 1427(a)(3) of this title with respect to attachment to the principles of the Constitution and well disposition to the good order and happiness of the United States.”

1991—Subsec. (c). Pub. L. 102-232, §102(b)(2), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “If the applicant is prevented by sickness or other disability from attending a public ceremony, the oath required to be taken by subsection (a) of this section may be taken at such place as the Attorney General may designate under section 1445(e) of this title.”

Pub. L. 102-232, §305(i), struck out “before” after “may be taken”.

1990—Subsec. (a). Pub. L. 101-649, §407(c)(18), (d)(15)(A), substituted “applied” for “petitioned” and “applicant” for “petitioner” in first sentence, “in a public ceremony before the Attorney General or a court

RCW 2.06.040 Panels—Decisions, publication as opinions, when—Sessions—Rules. The court shall sit in panels of three judges and decisions shall be rendered by not less than a majority of the panel. In the determination of causes all decisions of the court shall be given in writing and the grounds of the decisions shall be stated. All decisions of the court having precedential value shall be published as opinions of the court. Each panel shall determine whether a decision of the court has sufficient precedential value to be published as an opinion of the court. Decisions determined not to have precedential value shall not be published. Panels in the first division shall be comprised of such judges as the chief judge thereof shall from time to time direct. Judges of the respective divisions may sit in other divisions and causes may be transferred between divisions, as directed by written order of the chief justice. The court may hold sessions in cities as may be designated by rule.

The court may establish rules supplementary to and not in conflict with rules of the supreme court. [2007 c 34 § 1; 1987 c 43 § 1; 1984 c 258 § 91; 1971 c 41 § 1; 1969 ex.s. c 221 § 4.]

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

CERTIFICATION OF ENROLLMENT

SENATE BILL 5155

Chapter 184, Laws of 2023

68th Legislature
2023 Regular Session

COURT OF APPEALS—ADMINISTRATION

EFFECTIVE DATE: July 23, 2023

Passed by the Senate February 8, 2023
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Passed by the House April 10, 2023
Yeas 98 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved April 25, 2023 3:46 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5155** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

April 26, 2023

**Secretary of State
State of Washington**

SENATE BILL 5155

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senators Wagoner and Dhingra; by request of Court Of Appeals

Prefiled 01/05/23. Read first time 01/09/23. Referred to Committee on Law & Justice.

1 AN ACT Relating to the court of appeals; and amending RCW
2 2.06.040.

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

4 **Sec. 1.** RCW 2.06.040 and 2007 c 34 s 1 are each amended to read
5 as follows:

6 The court shall sit in panels of three judges and decisions shall
7 be rendered by not less than a majority of the panel. In the
8 determination of causes all decisions of the court shall be given in
9 writing and the grounds of the decisions shall be stated. All
10 decisions of the court having precedential value shall be published
11 as opinions of the court. Each panel shall determine whether a
12 decision of the court has sufficient precedential value to be
13 published as an opinion of the court. Decisions determined not to
14 have precedential value shall not be published. (~~Panels in the first~~
15 ~~division shall be comprised of such judges as the chief judge thereof~~
16 ~~shall from time to time direct.)) Judges of the respective divisions
17 may sit in other divisions (~~and~~), causes may be transferred between
18 divisions, (~~as directed by written order of the chief justice. The~~)
19 and the court may hold sessions in cities, as (~~may be designated~~)
20 provided by rule.~~

1 The court may establish rules supplementary to and not in
2 conflict with rules of the supreme court.

Passed by the Senate February 8, 2023.

Passed by the House April 10, 2023.

Approved by the Governor April 25, 2023.

Filed in Office of Secretary of State April 26, 2023.

--- END ---

RCW 2.36.070 Qualification of juror. A person shall be competent to serve as a juror in the state of Washington unless that person:

- (1) Is less than eighteen years of age;
- (2) Is not a citizen of the United States;
- (3) Is not a resident of the county in which he or she has been summoned to serve;
- (4) Is not able to communicate in the English language; or
- (5) Has been convicted of a felony and has not had his or her civil rights restored. [1988 c 188 § 7; 1975 1st ex.s. c 203 § 1; 1971 ex.s. c 292 § 3; 1911 c 57 § 1; RRS § 94. Prior: 1909 c 73 § 1.]

Legislative findings—Severability—Effective date—1988 c 188:
See notes following RCW 2.36.010.

Severability—1971 ex.s. c 292: See note following RCW 26.28.010.

RCW 18.130.100 Hearings—Adjudicative proceedings under chapter

34.05 RCW. The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the Administrative Procedure Act, govern all hearings before the disciplining authority. The disciplining authority has, in addition to the powers and duties set forth in this chapter, all of the powers and duties under chapter 34.05 RCW, which include, without limitation, all powers relating to the administration of oaths, the receipt of evidence, the issuance and enforcing of subpoenas, and the taking of depositions. [1989 c 175 § 69; 1984 c 279 § 10.]

Effective date—1989 c 175: See note following RCW 34.05.010.

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PART IX
TECHNICAL PROVISIONS

[HTML](#) [PDF](#) **34.05.900** Captions and headings.

[HTML](#) [PDF](#) **34.05.902** Effective date—Application—1988 c 288.

NOTES:

*Nonbinding effect of unpublished rules and procedures: RCW **42.56.040**.*

*Not applicable to the following proceedings and agreements: RCW **2.64.092**, **41.56.452**, **41.76.070**, **47.64.310**, **70.24.370**, and **74.36.120**.*

(19) "State employee" means an individual who is employed by an agency in any branch of state government. For purposes of this chapter, employees of the superior courts are not state officers or state employees.

(20) "State officer" means every person holding a position of public trust in or under an executive, legislative, or judicial office of the state. "State officer" includes judges of the superior court, judges of the court of appeals, justices of the supreme court, members of the legislature together with the secretary of the senate and the chief clerk of the house of representatives, holders of elective offices in the executive branch of state government, chief executive officers of state agencies, members of boards, commissions, or committees with authority over one or more state agencies or institutions, and employees of the state who are engaged in supervisory, policy-making, or policy-enforcing work. For the purposes of this chapter, "state officer" also includes any person exercising or undertaking to exercise the powers or functions of a state officer.

(21) "Thing of economic value," in addition to its ordinary meaning, includes:

(a) A loan, property interest, interest in a contract or other chose in action, and employment or another arrangement involving a right to compensation;

(b) An option, irrespective of the conditions to the exercise of the option; and

(c) A promise or undertaking for the present or future delivery or procurement.

(22) (a) "Transaction involving the state" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the state officer, state employee, or former state officer or state employee in question believes, or has reason to believe:

(i) Is, or will be, the subject of state action; or

(ii) Is one to which the state is or will be a party; or

(iii) Is one in which the state has a direct and substantial proprietary interest.

(b) "Transaction involving the state" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by an officer or employee; or a claim, case, lawsuit, or similar matter if the officer or employee did not participate in the underlying transaction involving the state that is the basis for the claim, case, or lawsuit.

(23) "University" includes "state universities" and "regional universities" as defined in RCW 28B.10.016 and also includes any research or technology institute affiliated with a university.

(24) "University research employee" means a state officer or state employee employed by a university, but only to the extent the state officer or state employee is engaged in research, technology transfer, approved consulting activities related to research and technology transfer, or other incidental activities. [2022 c 173 § 1; 2022 c 71 § 15. Prior: 2011 c 60 § 28; 2005 c 106 § 1; 1998 c 7 § 1; 1996 c 213 § 1; 1994 c 154 § 101.]

Reviser's note: This section was amended by 2022 c 71 § 15 and by 2022 c 173 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5753

Chapter 240, Laws of 2022

67th Legislature
2022 Regular Session

HEALTH PROFESSIONS BOARDS AND COMMISSIONS—MODIFICATION

EFFECTIVE DATE: June 9, 2022—Except for section 28, which takes effect July 1, 2022.

Passed by the Senate March 7, 2022
Yeas 31 Nays 18

DENNY HECK

President of the Senate

Passed by the House March 1, 2022
Yeas 57 Nays 41

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved March 30, 2022 2:58 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5753** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 31, 2022

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5753

AS AMENDED BY THE HOUSE

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By Senate Health & Long Term Care (originally sponsored by Senators Robinson and Lovick; by request of Department of Health)

READ FIRST TIME 01/25/22.

1 AN ACT Relating to enhancing the capacity of health profession
2 boards, commissions, and advisory committees; amending RCW
3 18.32.0351, 18.32.0355, 18.52.040, 18.52.050, 18.74.020, 18.74.027,
4 18.92.021, 18.92.040, 18.108.020, 18.83.035, 18.83.045, 18.83.051,
5 18.64.001, 18.64.003, 18.64.005, 18.64.310, 18.59.120, 18.30.050,
6 18.30.060, 18.36A.150, 18.54.030, 18.54.060, 18.54.130, 18.35.150,
7 18.57.003, 18.57.003, 18.22.014, 18.200.060, 18.25.0165, 18.79.070,
8 18.79.140, and 18.71.015; adding a new section to chapter 18.64 RCW;
9 adding a new section to chapter 18.59 RCW; providing an effective
10 date; and providing an expiration date.

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

12 **Sec. 1.** RCW 18.32.0351 and 2007 c 269 s 16 are each amended to
13 read as follows:

14 The Washington state dental quality assurance commission is
15 established, consisting of ~~((sixteen))~~ seventeen members each
16 appointed by the governor to a four-year term. No member may serve
17 more than two consecutive full terms. ~~((In appointing the initial
18 members of the commission, it is the intent of the legislature that,
19 to the extent possible, members of the previous boards and committees
20 regulating these professions be appointed to the commission.))~~
21 Members of the commission hold office until their successors are

1 appointed. (~~The governor may appoint members of the initial~~
2 ~~commission to staggered terms of from one to four years. Thereafter,~~
3 ~~all~~) All members shall be appointed to full four-year terms. Twelve
4 members of the commission must be dentists, two members must be
5 expanded function dental auxiliaries licensed under chapter 18.260
6 RCW, and (~~two~~) three members must be public members.

7 **Sec. 2.** RCW 18.32.0355 and 1994 sp.s. c 9 s 206 are each amended
8 to read as follows:

9 Members must be (~~citizens of the United States and~~) residents
10 of this state. Dentist members must be licensed dentists in the
11 active practice of dentistry for a period of five years before
12 appointment. Of the twelve dentists appointed to the commission, at
13 least four must reside and engage in the active practice of dentistry
14 east of the summit of the Cascade mountain range. Public members of
15 the commission may not be a member of any other health care licensing
16 board or commission, or have a fiduciary obligation to a facility
17 rendering health services regulated by the commission, or have a
18 material or financial interest in the rendering of health services
19 regulated by the commission.

20 **Sec. 3.** RCW 18.52.040 and 2011 c 336 s 488 are each amended to
21 read as follows:

22 (1) The state board of nursing home administrators shall consist
23 of (~~nine~~) eleven members appointed by the governor. (~~Four~~) Six
24 members shall be persons licensed under this chapter who have at
25 least four years actual experience in the administration of a
26 licensed nursing home in this state (~~immediately preceding~~
27 ~~appointment to the board and who are not employed by the state or~~
28 ~~federal government~~). At least one, but not more than two, of the six
29 administrator members shall be an administrator of an assisted living
30 facility or a continuing care retirement community.

31 (~~Four~~) (2) Three members shall be representatives of (~~the~~
32 ~~health care professions~~) one or more of the following:

33 (a) Licensed health care professionals providing medical or
34 nursing services in nursing homes who are privately or self-employed;
35 (~~or shall be persons employed by~~)

36 (b) Faculty or administrators of educational institutions who
37 have special knowledge (~~or expertise in the field of health care~~)

1 administration, health care education or long-term care or both, or
2 care of the aged and chronically ill.

3 ~~One member~~) of health care education, long-term care, or care of
4 the aged or elderly; or

5 (c) Persons currently employed in areas related to the long-term
6 care field including, but not limited to, pharmacy, home health,
7 adult family homes, or therapy services.

8 (3) Two members shall be ~~((a))~~ members of the health care
9 consuming public who are residents of ~~((a))~~ nursing homes or ~~((a))~~
10 family members of ~~((a-resident))~~ nursing home residents or ~~((a))~~
11 persons eligible for medicare. No member who is a nonadministrator
12 representative shall have any direct or family financial interest in
13 nursing homes while serving as a member of the board. The governor
14 shall consult with and seek the recommendations of the appropriate
15 statewide business and professional organizations and societies
16 primarily concerned with long-term health care facilities in the
17 course of considering his or her appointments to the board. ~~((Board~~
18 ~~members currently serving shall continue to serve until the~~
19 ~~expiration of their appointments.))~~

20 **Sec. 4.** RCW 18.52.050 and 1992 c 53 s 5 are each amended to read
21 as follows:

22 Members of the board shall be ~~((citizens of the United States~~
23 ~~and))~~ residents of this state. All administrator members of the board
24 shall be holders of licenses under this chapter. The terms of all
25 members shall be five years. Any board member may be removed for just
26 cause including a finding of fact of unprofessional conduct or
27 impaired practice. The governor may appoint a new member to fill any
28 vacancy on the board for the remainder of the unexpired term. No
29 board member may serve more than two consecutive full terms(~~(7~~
30 ~~whether full or partial))~~). Board members shall serve until their
31 successors are appointed. Board members shall be compensated in
32 accordance with RCW ~~((43.03.240))~~ 43.03.265 and shall be reimbursed
33 for travel expenses as provided in RCW 43.03.050 and 43.03.060. The
34 board is designated as a class five group for purposes of chapter
35 43.03 RCW. The board may elect annually a chair and vice chair to
36 direct the meetings of the board. The board shall meet at least four
37 times each year and may hold additional meetings as called by the
38 secretary or the chair. A majority of the board members appointed and
39 serving constitutes a quorum for the transaction of board business.

1 The affirmative vote of a majority of a quorum of the board is
2 required to carry a motion or resolution, to adopt a rule, or to pass
3 a measure.

4 **Sec. 5.** RCW 18.74.020 and 2007 c 98 s 2 are each amended to read
5 as follows:

6 The state board of physical therapy is hereby created. The board
7 shall consist of (~~(six)~~) seven members who shall be appointed by the
8 governor. (~~(Of the initial appointments, two shall be appointed for a~~
9 ~~term of two years, two for a term of three years, and one for a term~~
10 ~~of four years. Thereafter, all appointments shall be for terms of~~
11 ~~four years. Four~~) Five members of the board shall be physical
12 therapists licensed under this chapter and residing in this state,
13 shall have not less than five years' experience in the practice of
14 physical therapy, and shall be actively engaged in practice within
15 two years of appointment. One member shall be a physical therapist
16 assistant licensed under this chapter and residing in this state,
17 shall not have less than five years' experience in the practice of
18 physical therapy, and shall be actively engaged in practice within
19 two years of appointment. The (~~(sixth)~~) seventh member shall be
20 appointed from the public at large, shall have an interest in the
21 rights of consumers of health services, and shall not be or have been
22 a member of any other licensing board, a licensee of any health
23 occupation board, an employee of any health facility nor derive his
24 or her primary livelihood from the provision of health services at
25 any level of responsibility. In the event that a member of the board
26 for any reason cannot complete his or her term of office, another
27 appointment shall be made by the governor in accordance with the
28 procedure stated in this section to fill the remainder of the term.
29 No member may serve for more than two (~~(successive)~~) consecutive full
30 four-year terms.

31 The secretary of health shall furnish such secretarial, clerical,
32 and other assistance as the board may require. Each member of the
33 board shall, in addition to travel expenses in accordance with RCW
34 43.03.050 and 43.03.060, be compensated in accordance with RCW
35 (~~(43.03.240)~~) 43.03.265. The board is designated as a class five
36 group for purposes of chapter 43.03 RCW.

37 **Sec. 6.** RCW 18.74.027 and 1983 c 116 s 5 are each amended to
38 read as follows:

1 The board shall elect from its members a chairperson and vice
2 chairperson-secretary, who shall serve for one year and until their
3 successors are elected. The board shall meet at least once a year and
4 upon the call of the chairperson at such times and places as the
5 chairperson designates. (~~Three members constitute a quorum of the~~
6 ~~full board for the transaction of any business.~~) A majority of the
7 board members appointed and serving constitutes a quorum for the
8 transaction of board business. The affirmative vote of a majority of
9 a quorum of the board is required to carry a motion or resolution, to
10 adopt a rule, or to pass a measure. Meetings of the board shall be
11 open and public, except the board may hold executive sessions to the
12 extent permitted by chapter 42.30 RCW.

13 **Sec. 7.** RCW 18.92.021 and 2007 c 235 s 3 are each amended to
14 read as follows:

15 (1) There is created a Washington state veterinary board of
16 governors (~~consisting~~) reflecting the diverse practice of animal
17 medicine, including large animal, small animal, and specialty
18 practice, as well as diverse types of employment and practice
19 ownership including sole proprietorships, partnerships, and
20 corporations. The board shall consist of (~~seven~~) nine members,

21 (~~five~~) six of whom shall be licensed veterinarians, one of whom
22 shall be a licensed veterinary technician (~~trained in both large and~~
23 ~~small animal medicine~~), one of whom shall be a licensed veterinarian
24 or a licensed veterinary technician, and one of whom shall be a
25 (~~lay~~) member of the public.

26 (2)(a) The licensed members shall be appointed by the governor.
27 At the time of their appointment the licensed members of the board
28 must be actual residents of the state in active practice as licensed
29 practitioners of veterinary medicine, surgery, and dentistry, or
30 employed as a licensed veterinary technician, as applicable(~~, and~~
31 ~~must be citizens of the United States~~). Not more than (~~one~~) two
32 licensed veterinary members shall be from the same congressional
33 district. The board shall not be deemed to be unlawfully constituted
34 and a member of the board shall not be deemed ineligible to serve the
35 remainder of the member's unexpired term on the board solely by
36 reason of the establishment of new or revised boundaries for
37 congressional districts.

38 (b) The terms of the (~~first licensed~~) members (~~of the board~~)
39 shall be (~~as follows: One member for five, four, three, two, and one~~

1 ~~years respectively. Thereafter the terms shall be for~~) five years
2 and until their successors are appointed and qualified.

3 ~~(c) ((The lay member shall be appointed by the governor for a
4 five year term and until the lay member's successor is appointed.~~

5 ~~(d))~~ A member may be appointed to serve ~~((a second term, if that
6 term does not run consecutively))~~ two consecutive full terms.

7 ~~((e))~~ (d) Vacancies ~~((in))~~ on the board shall be filled by the
8 governor, the appointee to hold office for the remainder of the
9 unexpired term.

10 (3) ~~((The licensed veterinary technician member is a nonvoting
11 member with respect to board decisions related to the discipline of a
12 veterinarian involving standard of care.~~

13 ~~(4))~~ Officers of the board shall be a chair and a ~~((secretary-
14 treasurer))~~ vice chair to be chosen by the members of the board from
15 among its members.

16 ~~((5) Four members of the board shall constitute a quorum at
17 meetings of the board.))~~ (4) A majority of the board members
18 appointed and serving constitutes a quorum for the transaction of
19 board business. The affirmative vote of a majority of a quorum of the
20 board is required to carry a motion or resolution, to adopt a rule,
21 or to pass a measure.

22 **Sec. 8.** RCW 18.92.040 and 1991 c 3 s 240 are each amended to
23 read as follows:

24 Each member of the board shall be compensated in accordance with
25 RCW ~~((43.70.250))~~ 43.03.265 and shall be reimbursed for travel
26 expenses in accordance with RCW 43.03.050 and 43.03.060. The board is
27 designated as a class five group for purposes of chapter 43.03 RCW.
28 No expense may be incurred by members of the board except in
29 connection with board meetings without prior approval of the
30 secretary.

31 **Sec. 9.** RCW 18.108.020 and 1991 c 3 s 253 are each amended to
32 read as follows:

33 The Washington state board of massage is ~~((hereby))~~ created. The
34 board shall consist of ~~((four))~~ seven members who shall be appointed
35 by the governor for a term of four years each. ~~((Members))~~ All
36 members shall be residents of this state ~~((and shall have not less
37 than three years experience in the practice of massage immediately
38 preceding their appointment and shall be licensed under this chapter~~

1 and actively engaged in the practice of massage during their
2 incumbency.

3 In addition to the members specified in this section, the
4 governor shall appoint a consumer member of the board, who shall
5 serve for a term of four years. The consumer member of the board
6 shall be an individual who does not derive his or her livelihood by
7 providing health care services or massage therapy and is not a
8 licensed health professional. The consumer member shall not be an
9 employee of the state nor a present or former member of another
10 licensing board)). Five members shall be massage therapists licensed
11 under this chapter with at least three years' experience in the
12 practice of massage immediately preceding their appointment and shall
13 at all times during their terms remain licensed massage therapists.

14 One member shall be a consumer whose occupation does not include
15 the administration of health activities or the provision of health
16 services and who has no material financial interest in the provision
17 of health care services.

18 One member shall be a massage educator or massage school owner
19 with at least three years' experience in the teaching or
20 administration of direct student learning of the practice of massage.
21 The educator or school owner member is not required to be a licensed
22 massage therapist. The member shall recuse themselves from any board
23 deliberations or decision making involving the school or educational
24 program with which the member is professionally affiliated.

25 In the event that a member cannot complete ((his or her)) their
26 term of office, another appointment shall be made by the governor in
27 accordance with the procedures stated in this section to fill the
28 remainder of the term. No member may serve more than two successive
29 full terms ((whether full or partial)). The governor may remove any
30 member of the board for neglect of duty, incompetence, or
31 unprofessional or disorderly conduct as determined under chapter
32 18.130 RCW.

33 Each member of the board shall be compensated in accordance with
34 RCW ((43.03.240)) 43.03.265. The board is designated as a class five
35 group for purposes of chapter 43.03 RCW. Members shall be reimbursed
36 for travel expenses incurred in the actual performance of their
37 duties, as provided in RCW 43.03.050 and 43.03.060.

38 The board may annually elect a chairperson to direct the meetings
39 of the board. The board shall meet as called by the chairperson or
40 the secretary. ((Three members of the board shall constitute a quorum

1 ~~of the board.))~~ A majority of the board members appointed and serving
2 constitutes a quorum for the transaction of board business. The
3 affirmative vote of a majority of a quorum of the board is required
4 to carry a motion or resolution, to adopt a rule, or to pass a
5 measure.

6 **Sec. 10.** RCW 18.83.035 and 1989 c 226 s 1 are each amended to
7 read as follows:

8 There is created the examining board of psychology which shall
9 examine the qualifications of applicants for licensing. The board
10 shall consist of (~~seven~~) nine psychologists and two public members,
11 all appointed by the governor. The public members shall not be and
12 have never been psychologists or in training to be psychologists;
13 they may not have any household member who is a psychologist or in
14 training to be a psychologist; they may not participate or ever have
15 participated in a commercial or professional field related to
16 psychology, nor have a household member who has so participated; and
17 they may not have had within two years before appointment a
18 substantial financial interest in a person regulated by the board.
19 Each psychologist member of the board shall (~~be a citizen of the~~
20 ~~United States who has~~) have actively practiced psychology in the
21 state of Washington for at least three years immediately preceding
22 appointment and who is licensed under this chapter. Board members
23 shall be appointed for a term of five years, except that the terms of
24 the existing appointees shall be adjusted by the governor so that no
25 more than two members' terms expire each year with all subsequent
26 appointments for a five-year term. Upon the death, resignation, or
27 removal of a member, the governor shall appoint a successor to serve
28 for the unexpired term. The board shall elect one of its members to
29 serve as chairperson.

30 **Sec. 11.** RCW 18.83.045 and 1991 c 3 s 195 are each amended to
31 read as follows:

32 The board shall meet at least once each year and at such other
33 times as the board deems appropriate to properly discharge its
34 duties. All meetings shall be held in Olympia, Washington, or such
35 other places as may be designated by the secretary. Five members of
36 the board shall constitute a quorum, except that oral examinations
37 may be conducted with only three psychologist members. A majority of
38 the board members appointed and serving constitutes a quorum for the

1 transaction of board business. The affirmative vote of a majority of
2 a quorum of the board is required to carry a motion or resolution, to
3 adopt a rule, or to pass a measure.

4 **Sec. 12.** RCW 18.83.051 and 1984 c 287 s 48 are each amended to
5 read as follows:

6 Each member of the board shall be compensated in accordance with
7 RCW ((43.03.240)) 43.03.265 and in addition thereto shall be
8 reimbursed for travel expenses incurred in carrying out the duties of
9 the board in accordance with RCW 43.03.050 and 43.03.060. The board
10 is designated as a class five group for purposes of chapter 43.03
11 RCW.

12 **Sec. 13.** RCW 18.64.001 and 2013 c 19 s 3 are each amended to
13 read as follows:

14 There shall be a state pharmacy quality assurance commission
15 consisting of fifteen members, to be appointed by the governor by and
16 with the advice and consent of the senate. Ten of the members shall
17 be designated as pharmacist members, four of the members shall be
18 designated a public member, and one member shall be a pharmacy
19 technician.

20 Each pharmacist member shall be a ((~~citizen of the United States~~
21 ~~and a~~)) resident of this state, and at the time of his or her
22 appointment shall have been a duly registered pharmacist under the
23 laws of this state for a period of at least five consecutive years
24 immediately preceding his or her appointment and shall at all times
25 during his or her incumbency continue to be a duly licensed
26 pharmacist: PROVIDED, That subject to the availability of qualified
27 candidates the governor shall appoint pharmacist members
28 representative of the areas of practice and geographically
29 representative of the state of Washington.

30 The public member shall be a ((~~citizen of the United States and~~
31 ~~a~~)) resident of this state. The public member shall be appointed from
32 the public at large, but shall not be affiliated with any aspect of
33 pharmacy.

34 Members of the commission shall hold office for a term of four
35 years, and the terms shall be staggered so that the terms of office
36 of not more than two members will expire simultaneously on the third
37 Monday in January of each year.

1 No person who has been appointed to and served for two four year
2 terms shall be eligible for appointment to the commission.

3 Each member shall qualify by taking the usual oath of a state
4 officer, which shall be filed with the secretary of state, and each
5 member shall hold office for the term of his or her appointment and
6 until his or her successor is appointed and qualified.

7 In case of the resignation or disqualification of a member, or a
8 vacancy occurring from any cause, the governor shall appoint a
9 successor for the unexpired term.

10 **Sec. 14.** RCW 18.64.003 and 2013 c 19 s 4 are each amended to
11 read as follows:

12 Members of the commission shall meet at such places and times as
13 it shall determine and as often as necessary to discharge the duties
14 imposed upon it. The commission shall elect a chairperson and a vice
15 chairperson from among its members. A majority of the commission
16 members appointed and serving constitutes a quorum for the
17 transaction of commission business. The affirmative vote of a
18 majority of a quorum of the commission is required to carry a motion
19 or resolution, to adopt a rule, or to pass a measure. The commission
20 is designated as a class five group for purposes of chapter 43.03
21 RCW. Each member shall be compensated in accordance with RCW
22 ((43.03.240)) 43.03.265 and shall be reimbursed for travel expenses
23 in accordance with RCW 43.03.050 and 43.03.060.

24 **Sec. 15.** RCW 18.64.005 and 2013 c 19 s 5 are each amended to
25 read as follows:

26 The commission shall:

27 (1) Regulate the practice of pharmacy and enforce all laws placed
28 under its jurisdiction;

29 (2) Prepare or determine the nature of, and supervise the grading
30 of, examinations for applicants for pharmacists' licenses;

31 (3) Establish the qualifications for licensure of pharmacists or
32 pharmacy interns;

33 (4) Conduct hearings for the revocation or suspension of
34 licenses, permits, registrations, certificates, or any other
35 authority to practice granted by the commission, which hearings may
36 also be conducted by an administrative law judge appointed under
37 chapter 34.12 RCW or a presiding officer designated by the
38 commission. The commission may authorize the secretary, or their

1 designee, to serve as the presiding officer for any disciplinary
2 proceedings of the commission authorized under this chapter. The
3 presiding officer shall not vote on or make any final decision in
4 cases pertaining to standards of practice or where clinical expertise
5 is necessary. All functions performed by the presiding officer shall
6 be subject to chapter 34.05 RCW;

7 (5) Issue subpoenas and administer oaths in connection with any
8 hearing, or disciplinary proceeding held under this chapter or any
9 other chapter assigned to the commission;

10 (6) Assist the regularly constituted enforcement agencies of this
11 state in enforcing all laws pertaining to drugs, controlled
12 substances, and the practice of pharmacy, or any other laws or rules
13 under its jurisdiction;

14 (7) Promulgate rules for the dispensing, distribution,
15 wholesaling, and manufacturing of drugs and devices and the practice
16 of pharmacy for the protection and promotion of the public health,
17 safety, and welfare. Violation of any such rules shall constitute
18 grounds for refusal, suspension, or revocation of licenses or any
19 other authority to practice issued by the commission;

20 (8) Adopt rules establishing and governing continuing education
21 requirements for pharmacists and other licensees applying for renewal
22 of licenses under this chapter;

23 (9) Be immune, collectively and individually, from suit in any
24 action, civil or criminal, based upon any disciplinary proceedings or
25 other official acts performed as members of the commission. Such
26 immunity shall apply to employees of the department when acting in
27 the course of disciplinary proceedings;

28 (10) Suggest strategies for preventing, reducing, and eliminating
29 drug misuse, diversion, and abuse, including professional and public
30 education, and treatment of persons misusing and abusing drugs;

31 (11) Conduct or encourage educational programs to be conducted to
32 prevent the misuse, diversion, and abuse of drugs for health care
33 practitioners and licensed or certified health care facilities;

34 (12) Monitor trends of drug misuse, diversion, and abuse and make
35 periodic reports to disciplinary boards of licensed health care
36 practitioners and education, treatment, and appropriate law
37 enforcement agencies regarding these trends;

38 (13) Enter into written agreements with all other state and
39 federal agencies with any responsibility for controlling drug misuse,
40 diversion, or abuse and with health maintenance organizations, health

1 care service contractors, and health care providers to assist and
2 promote coordination of agencies responsible for ensuring compliance
3 with controlled substances laws and to monitor observance of these
4 laws and cooperation between these agencies. The department of social
5 and health services, the department of labor and industries, and any
6 other state agency including licensure disciplinary boards, shall
7 refer all apparent instances of over-prescribing by practitioners and
8 all apparent instances of legend drug overuse to the department. The
9 department shall also encourage such referral by health maintenance
10 organizations, health service contractors, and health care providers.

11 **Sec. 16.** RCW 18.64.310 and 2013 c 19 s 21 are each amended to
12 read as follows:

13 The department shall:

14 (1) Establish reasonable license and examination fees and fees
15 for services to other agencies in accordance with RCW 43.70.250 and
16 43.70.280. In cases where there are unanticipated demands for
17 services, the department may request payment for services directly
18 from the agencies for whom the services are performed, to the extent
19 that revenues or other funds are available. Drug-related
20 investigations regarding licensed health care practitioners shall be
21 funded by an appropriation to the department from the health
22 professions account. The payment may be made on either an advance or
23 a reimbursable basis as approved by the director of financial
24 management;

25 (2) Employ, with confirmation by the commission, an executive
26 officer, who shall be exempt from the provisions of chapter 41.06 RCW
27 and who shall (~~be a pharmacist licensed in Washington, and~~) employ
28 inspectors, investigators, chemists, and other persons as necessary
29 to assist it for any purpose which it may deem necessary;

30 (3) Investigate and prosecute, at the direction of the
31 commission, including use of subpoena powers, violations of law or
32 regulations under its jurisdiction or the jurisdiction of the
33 commission;

34 (4) Make, at the direction of the commission, inspections and
35 investigations of pharmacies and other places, including dispensing
36 machines, in which drugs or devices are stored, held, compounded,
37 dispensed, sold, or administered to the ultimate consumer, to take
38 and analyze any drugs or devices and to seize and condemn any drugs
39 or devices which are adulterated, misbranded, stored, held,

1 dispensed, distributed, administered, or compounded in violation of
2 or contrary to law. The written operating agreement between the
3 department and the commission, as required by RCW 43.70.240 shall
4 include provisions for the department to involve the commission in
5 carrying out its duties required by this section.

6 NEW SECTION. **Sec. 17.** A new section is added to chapter 18.64
7 RCW to read as follows:

8 The commission may appoint members of panels of at least three
9 members. A quorum for transaction of any business by a panel is a
10 minimum of three members. A majority vote of a quorum of the panel is
11 required to transact business delegated to it by the commission
12 including, but not limited to, licensing, disciplinary, and
13 adjudicative actions.

14 NEW SECTION. **Sec. 18.** A new section is added to chapter 18.59
15 RCW to read as follows:

16 Each member of the board shall be compensated in accordance with
17 RCW 43.03.265. Members shall be reimbursed for travel expenses
18 incurred in the actual performance of their duties, as provided in
19 RCW 43.03.050 and 43.03.060. The board is designated as a class five
20 group for purposes of chapter 43.03 RCW.

21 **Sec. 19.** RCW 18.59.120 and 2011 c 336 s 492 are each amended to
22 read as follows:

23 (1) There is established a board of occupational therapy
24 practice. The board shall consist of five members appointed by the
25 governor, who may consider the persons who are recommended for
26 appointment by occupational therapy associations of the state. The
27 members of the board shall be residents of the state. Four of the
28 members shall have been engaged in rendering services to the public,
29 teaching, or research in occupational therapy for at least five years
30 immediately preceding their appointment. Three of these four board
31 members shall be occupational therapists who shall at all times be
32 holders of licenses for the practice of occupational therapy in the
33 state, (~~except for the initial members of the board,~~) all of whom
34 shall fulfill the requirements for licensure under this chapter. At
35 least one member of the board shall be an occupational therapy
36 assistant licensed to assist in the practice of occupational therapy,
37 except for the initial member appointed to this position, who shall

1 fulfill the requirements for licensure as a occupational therapy
2 assistant under this chapter. The remaining member of the board shall
3 be a member of the public with an interest in the rights of consumers
4 of health services.

5 (2) (~~The governor shall, within sixty days after June 7, 1984,~~
6 ~~appoint one member for a term of one year, two members for a term of~~
7 ~~two years, and two members for a term of three years.~~) Appointments
8 (~~made thereafter~~) shall be for three-year terms, but no person
9 shall be appointed to serve more than two consecutive full terms.
10 Terms shall begin on the first day of the calendar year and end on
11 the last day of the calendar year or until successors are appointed,
12 except for the initial appointed members, who shall serve through the
13 last calendar day of the year in which they are appointed before
14 commencing the terms prescribed by this section. The governor shall
15 make appointments for vacancies in unexpired terms within ninety days
16 after the vacancies occur.

17 (3) The board shall meet during the first month of each calendar
18 year to select a chair and for other purposes. At least one
19 additional meeting shall be held before the end of each calendar
20 year. Further meetings may be convened at the call of the chair or
21 the written request of any two board members. (~~A majority of members~~
22 ~~of the board constitutes a quorum for all purposes.~~) A majority of
23 the board members appointed and serving constitutes a quorum for the
24 transaction of board business. The affirmative vote of a majority of
25 a quorum of the board is required to carry a motion or resolution, to
26 adopt a rule, or to pass a measure. All meetings of the board shall
27 be open to the public, except that the board may hold closed sessions
28 to prepare, approve, grade, or administer examinations or, upon
29 request of an applicant who fails an examination, to prepare a
30 response indicating the reasons for the applicant's failure.

31 (~~(4) Members of the board shall receive compensation in the~~
32 ~~amount of fifty dollars for each day's attendance at proper meetings~~
33 ~~of the committee.~~)

34 **Sec. 20.** RCW 18.30.050 and 2002 c 160 s 4 are each amended to
35 read as follows:

36 (1) The Washington state board of denturists is created. The
37 board shall consist of seven members appointed by the secretary as
38 follows:

1 (a) Four members of the board must be denturists licensed under
2 this chapter, except initial appointees, who must have five years'
3 experience in the field of denturism or a related field.

4 (b) Two members shall be selected from persons who are not
5 affiliated with any health care profession or facility, at least one
6 of whom must be over sixty-five years of age representing the
7 elderly.

8 (c) One member must be a dentist licensed in the state of
9 Washington.

10 (2) The members of the board shall serve for terms of three
11 years. (~~The terms of the initial members shall be staggered, with~~
12 ~~the members appointed under subsection (1)(a) of this section serving~~
13 ~~two-year and three-year terms initially and the members appointed~~
14 ~~under subsection (1)(b) and (c) of this section serving one-year,~~
15 ~~two-year, and three-year terms initially. Vacancies shall be filled~~
16 ~~in the same manner as the original appointments are made.))
17 Appointments to fill vacancies shall be for the remainder of the
18 unexpired term of the vacant position.~~

19 (3) No appointee may serve more than two consecutive terms.

20 (4) Members of the board shall be reimbursed for travel expenses
21 under RCW 43.03.050 and 43.03.060. Each member of the board shall be
22 compensated in accordance with RCW 43.03.265. The board is designated
23 as a class five group for purposes of chapter 43.03 RCW.

24 (5) A member of the board may be removed for just cause by the
25 secretary.

26 **Sec. 21.** RCW 18.30.060 and 1995 c 1 s 7 are each amended to read
27 as follows:

28 (1) The board shall elect a chairperson of the board annually.
29 The same person may not hold the office of chairperson for more than
30 three years in succession.

31 (2) (~~A majority of the board constitutes a quorum for all~~
32 ~~purposes, and a majority vote of the members voting governs the~~
33 ~~decisions of the board.)) A majority of the board members appointed
34 and serving constitutes a quorum for the transaction of board
35 business. The affirmative vote of a majority of a quorum of the board
36 is required to carry a motion or resolution, to adopt a rule, or to
37 pass a measure.~~

1 **Sec. 22.** RCW 18.36A.150 and 2011 c 41 s 1 are each amended to
2 read as follows:

3 (1) There is created the board of naturopathy consisting of seven
4 members appointed by the governor to four-year terms. Five members of
5 the board shall be persons licensed under this chapter and two shall
6 be members of the public. No member may serve more than two
7 consecutive full terms. Members hold office until their successors
8 are appointed. (~~The governor may appoint the initial members of the~~
9 ~~board to staggered terms from one to four years. Thereafter, all~~)
10 All members shall be appointed to full four-year terms.

11 (2) The public members of the board may not be a member of any
12 other health care licensing board or commission, have a fiduciary
13 obligation to a facility rendering services regulated under this
14 chapter, or have a material or financial interest in the rendering of
15 services regulated under this chapter.

16 (3) The board shall elect officers each year. The board shall
17 meet at least twice each year and may hold additional meetings as
18 called by the chair. Meetings of the board are open to the public,
19 except that the board may hold executive sessions to the extent
20 permitted by chapter 42.30 RCW. The department shall provide
21 secretarial, clerical, and other assistance as required by the board.

22 (4) Each member of the board shall be compensated in accordance
23 with RCW (~~43.03.240~~) 43.03.265. Members shall be reimbursed for
24 travel expenses incurred in the actual performance of their duties,
25 as provided in RCW 43.03.050 and 43.03.060. The board is designated
26 as a class five group for purposes of chapter 43.03 RCW.

27 (5) A majority of the board members appointed and serving
28 constitutes a quorum for the transaction of board business. The
29 affirmative vote of a majority of a quorum of the board is required
30 to carry a motion or resolution, to adopt a rule, or to pass a
31 measure.

32 (6) The board may appoint members to panels of at least three
33 members. A quorum for transaction of any business by a panel is a
34 minimum of three members. A majority vote of a quorum of the panel is
35 required to transact business delegated to it by the board.

36 (7) The board may adopt such rules as are consistent with this
37 chapter as may be deemed necessary and proper to carry out the
38 purposes of this chapter.

39 (8) The governor may remove a member of the board for neglect of
40 duty, misconduct, or malfeasance or misfeasance in office. Whenever

1 the governor is satisfied that a member of the board has been guilty
2 of neglect of duty, misconduct, or malfeasance or misfeasance in
3 office, he or she shall file with the secretary of state a statement
4 of the cause for and the order of removal from office, and the
5 secretary shall immediately send a certified copy of the order of
6 removal and statement of causes by certified mail to the last known
7 post office address of the member. If a vacancy occurs on the board,
8 the governor shall appoint a replacement to fill the remainder of the
9 unexpired term.

10 **Sec. 23.** RCW 18.54.030 and 2011 c 336 s 489 are each amended to
11 read as follows:

12 The initial composition of the optometry board includes the three
13 members of the examining committee for optometry plus two more
14 optometrists to be appointed by the governor.

15 The governor must make all appointments to the optometry board.
16 Only optometrists who are (~~citizens of the United States,~~)
17 residents of this state, having been licensed to practice and
18 practicing optometry in this state for a period of at least four
19 years immediately preceding the effective date of appointment, and
20 who have no connection (~~with any school or college embracing the~~
21 ~~teaching of optometry or~~) with any optical supply business may be
22 appointed.

23 (~~The governor may set the terms of office of the initial board~~
24 ~~at his or her discretion, to establish the following perpetual~~
25 ~~succession: The terms of the initial board include one position for~~
26 ~~one year, two for two years, and two for three years; and upon the~~
27 ~~expiration of the terms of the initial board, all~~) All appointments
28 are for three years.

29 In addition to the members specified in this section, the
30 governor shall appoint a consumer member of the board, who shall
31 serve for a term of three years.

32 In the event that a vacancy occurs on the board in the middle of
33 an appointee's term, the governor must appoint a successor for the
34 unexpired portion of the term only.

35 **Sec. 24.** RCW 18.54.060 and 1963 c 25 s 6 are each amended to
36 read as follows:

37 (~~Three members constitute a quorum for the transaction of~~
38 ~~business of the board~~) A majority of the board members appointed and

1 serving constitutes a quorum for the transaction of board business.
2 The affirmative vote of a majority of a quorum of the board is
3 required to carry a motion or resolution, to adopt a rule, or to pass
4 a measure.

5 **Sec. 25.** RCW 18.54.130 and 1984 c 287 s 41 are each amended to
6 read as follows:

7 Members of the board are entitled to receive their travel
8 expenses in accordance with RCW 43.03.050 and 43.03.060. Each member
9 of the board will also be compensated in accordance with RCW
10 (~~43.03.240~~) 43.03.265. The board is designated as a class five
11 group for purposes of chapter 43.03 RCW.

12 **Sec. 26.** RCW 18.35.150 and 2014 c 189 s 12 are each amended to
13 read as follows:

14 (1) There is created hereby the board of hearing and speech to
15 govern the three separate professions: Hearing aid specialist,
16 audiology, and speech-language pathology. The board shall consist of
17 eleven members to be appointed by the governor.

18 (2) Members of the board shall be residents of this state. Three
19 members shall represent the public and shall have an interest in the
20 rights of consumers of health services, and shall not be or have been
21 a member of, or married to a member of, another licensing board, a
22 licensee of a health occupation board, an employee of a health
23 facility, nor derive his or her primary livelihood from the provision
24 of health services at any level of responsibility. Two members shall
25 be hearing aid specialists who are licensed under this chapter, have
26 at least five years of experience in the practice of hearing
27 instrument fitting and dispensing, and must be actively engaged in
28 fitting and dispensing within two years of appointment. Two members
29 of the board shall be audiologists licensed under this chapter who
30 have at least five years of experience in the practice of audiology
31 and must be actively engaged in practice within two years of
32 appointment. Two members of the board shall be speech-language
33 pathologists licensed under this chapter who have at least five years
34 of experience in the practice of speech-language pathology and must
35 be actively engaged in practice within two years of appointment. One
36 advisory nonvoting member shall be a speech-language pathology
37 assistant certified in Washington. One advisory nonvoting member
38 shall be a medical physician licensed in the state of Washington.

1 (3) The term of office of a member is three years. (~~Of the~~
2 ~~initial appointments, one hearing aid specialist, one speech-language~~
3 ~~pathologist, one audiologist, and one consumer shall be appointed for~~
4 ~~a term of two years, and one hearing aid specialist, one speech-~~
5 ~~language pathologist, one audiologist, and two consumers shall be~~
6 ~~appointed for a term of three years. Thereafter, all appointments~~
7 ~~shall be made for expired terms.)) No member shall be appointed to
8 serve more than two consecutive terms. A member shall continue to
9 serve until a successor has been appointed. The governor shall either
10 reappoint the member or appoint a successor to assume the member's
11 duties at the expiration of his or her predecessor's term. A vacancy
12 in the office of a member shall be filled by appointment for the
13 unexpired term.~~

14 (4) The chair shall rotate annually among the hearing aid
15 specialists, speech-language pathologists, audiologists, and public
16 members serving on the board. In the absence of the chair, the board
17 shall appoint an interim chair. In event of a tie vote, the issue
18 shall be brought to a second vote and the chair shall refrain from
19 voting.

20 (5) The board shall meet at least once each year, at a place, day
21 and hour determined by the board, unless otherwise directed by a
22 majority of board members. The board shall also meet at such other
23 times and places as are requested by the department or by three
24 members of the board. (~~A quorum is a majority of the board. A~~
25 ~~hearing aid specialist, speech-language pathologist, and audiologist~~
26 ~~must be represented.)) A majority of the board members appointed and
27 serving constitutes a quorum for the transaction of board business.
28 The affirmative vote of a majority of a quorum of the board is
29 required to carry a motion or resolution, to adopt a rule, or to pass
30 a measure. Meetings of the board shall be open and public, except the
31 board may hold executive sessions to the extent permitted by chapter
32 42.30 RCW.~~

33 (6) Members of the board shall be compensated in accordance with
34 RCW (~~43.03.240~~) 43.03.265 and shall be reimbursed for their travel
35 expenses in accordance with RCW 43.03.050 and 43.03.060. The board is
36 designated as a class five group for purposes of chapter 43.03 RCW.

37 (7) The governor may remove a member of the board for cause at
38 the recommendation of a majority of the board.

1 **Sec. 27.** RCW 18.57.003 and 2017 c 101 s 1 are each amended to
2 read as follows:

3 There is hereby created an agency of the state of Washington,
4 consisting of eleven individuals appointed by the governor to be
5 known as the Washington state board of osteopathic medicine and
6 surgery.

7 On expiration of the term of any member, the governor shall
8 appoint for a period of five years a qualified individual to take the
9 place of such member. Each member shall hold office until the
10 expiration of the term for which such member is appointed or until a
11 successor shall have been appointed and shall have qualified. Initial
12 appointments shall be made and vacancies in the membership of the
13 board shall be filled for the unexpired term by appointment by the
14 governor.

15 Each member of the board shall be (~~(a citizen of the United~~
16 ~~States and must be)~~) an actual resident of this state. Two members
17 must be consumers who have neither a financial nor a fiduciary
18 relationship to a health care delivery system, one member must have
19 been in active practice as a licensed osteopathic physician assistant
20 in this state for at least five years immediately preceding
21 appointment, and every other member must have been in active practice
22 as a licensed osteopathic physician and surgeon in this state for at
23 least five years immediately preceding appointment.

24 The board shall elect a chairperson(~~(, a secretary,)~~) and a vice
25 chairperson from its members. Meetings of the board shall be held at
26 least four times a year and at such place as the board shall
27 determine and at such other times and places as the board deems
28 necessary.

29 (~~(An affirmative vote of a simple majority of the members present~~
30 ~~at a meeting or hearing shall be required for the board to take any~~
31 ~~official action. The board may not take any action without a quorum~~
32 ~~of the board members present. A simple majority of the board members~~
33 ~~currently serving constitutes a quorum of the board.)~~) A majority of
34 the board members appointed and serving constitutes a quorum for the
35 transaction of board business. The affirmative vote of a majority of
36 a quorum of the board is required to carry a motion or resolution, to
37 adopt a rule, or to pass a measure.

38 Each member of the board shall be compensated in accordance with
39 RCW 43.03.265 and shall be reimbursed for travel expenses in

1 accordance with RCW 43.03.050 and 43.03.060. The board is a class
2 five group for purposes of chapter 43.03 RCW.

3 Any member of the board may be removed by the governor for
4 neglect of duty, misconduct, malfeasance or misfeasance in office, or
5 upon written request of two-thirds of the physicians licensed under
6 this chapter and in active practice in this state.

7 **Sec. 28.** RCW 18.57.003 and 2020 c 80 s 14 are each amended to
8 read as follows:

9 There is hereby created an agency of the state of Washington,
10 consisting of eleven individuals appointed by the governor to be
11 known as the Washington state board of osteopathic medicine and
12 surgery.

13 On expiration of the term of any member, the governor shall
14 appoint for a period of five years a qualified individual to take the
15 place of such member. Each member shall hold office until the
16 expiration of the term for which such member is appointed or until a
17 successor shall have been appointed and shall have qualified. Initial
18 appointments shall be made and vacancies in the membership of the
19 board shall be filled for the unexpired term by appointment by the
20 governor.

21 Each member of the board shall be (~~(a citizen of the United~~
22 ~~States and must be)~~) an actual resident of this state. Two members
23 must be consumers who have neither a financial nor a fiduciary
24 relationship to a health care delivery system, and every other member
25 must have been in active practice as a licensed osteopathic physician
26 and surgeon in this state for at least five years immediately
27 preceding appointment.

28 The board shall elect a chairperson(~~(, a secretary,)~~) and a vice
29 chairperson from its members. Meetings of the board shall be held at
30 least four times a year and at such place as the board shall
31 determine and at such other times and places as the board deems
32 necessary.

33 (~~(An affirmative vote of a simple majority of the members present~~
34 ~~at a meeting or hearing shall be required for the board to take any~~
35 ~~official action. The board may not take any action without a quorum~~
36 ~~of the board members present. A simple majority of the board members~~
37 ~~currently serving constitutes a quorum of the board.)) A majority of
38 the board members appointed and serving constitutes a quorum for the
39 transaction of board business. The affirmative vote of a majority of~~

1 a quorum of the board is required to carry a motion or resolution, to
2 adopt a rule, or to pass a measure.

3 Each member of the board shall be compensated in accordance with
4 RCW 43.03.265 and shall be reimbursed for travel expenses in
5 accordance with RCW 43.03.050 and 43.03.060. The board is a class
6 five group for purposes of chapter 43.03 RCW.

7 Any member of the board may be removed by the governor for
8 neglect of duty, misconduct, malfeasance or misfeasance in office, or
9 upon written request of two-thirds of the physicians licensed under
10 this chapter and in active practice in this state.

11 **Sec. 29.** RCW 18.22.014 and 2020 c 248 s 2 are each amended to
12 read as follows:

13 The board shall meet at the places and times it determines and as
14 often as necessary to discharge its duties. The board shall elect a
15 chairperson(~~(7)~~) and a vice chairperson(~~(7 and secretary)~~) from among
16 its members. Members must be compensated in accordance with RCW
17 43.03.265 in addition to travel expenses provided by RCW 43.03.050
18 and 43.03.060. The board is a class five group for purposes of
19 chapter 43.03 RCW. (~~(A simple majority of the board members currently~~
20 ~~servng constitutes a quorum of the board.)~~) A majority of the board
21 members appointed and serving constitutes a quorum for the
22 transaction of board business. The affirmative vote of a majority of
23 a quorum of the board is required to carry a motion or resolution, to
24 adopt a rule, or to pass a measure.

25 **Sec. 30.** RCW 18.200.060 and 1997 c 285 s 7 are each amended to
26 read as follows:

27 (1) The secretary has the authority to appoint an advisory
28 committee to further the purposes of this chapter. The secretary may
29 consider the persons who are recommended for appointment by the
30 orthotic and prosthetic associations of the state. The committee is
31 composed of five members, one member initially appointed for a term
32 of one year, two for a term of two years, and two for a term of three
33 years. Subsequent appointments are for terms of three years. No
34 person may serve as a member of the committee for more than two
35 consecutive terms. Members of the advisory committee must be
36 residents of this state (~~(and citizens of the United States)~~). The
37 committee is composed of three individuals licensed in the category
38 designated and engaged in rendering services to the public. Two

1 members must at all times be holders of licenses for the practice of
2 either prosthetics or orthotics, or both, in this state, except for
3 the initial members of the advisory committee, all of whom must
4 fulfill the requirements for licensure under this chapter. One member
5 must be a practicing orthotist. One member must be a practicing
6 prosthetist. One member must be licensed by the state as a physician
7 licensed under chapter 18.57 or 18.71 RCW, specializing in orthopedic
8 medicine or surgery or physiatry. Two members must represent the
9 public at large and be unaffiliated directly or indirectly with the
10 profession being credentialed but, to the extent possible, be
11 consumers of orthotic and prosthetic services. The two members
12 appointed to the advisory committee representing the public at large
13 must have an interest in the rights of consumers of health services
14 and must not be or have been a licensee of a health occupation
15 committee or an employee of a health facility, nor derive his or her
16 primary livelihood from the provision of health services at any level
17 of responsibility.

18 (2) The secretary may remove any member of the advisory committee
19 for cause as specified by rule. In the case of a vacancy, the
20 secretary shall appoint a person to serve for the remainder of the
21 unexpired term.

22 (3) The advisory committee may provide advice on matters
23 specifically identified and requested by the secretary, such as
24 applications for licenses.

25 (4) The advisory committee may be requested by the secretary to
26 approve an examination required for licensure under this chapter.

27 (5) The advisory committee may be requested by the secretary to
28 review and monitor the exemptions to requirements of certain orthoses
29 and prostheses in this chapter and recommend to the secretary any
30 statutory changes that may be needed to properly protect the public.

31 (6) The advisory committee, at the request of the secretary, may
32 recommend rules in accordance with the administrative procedure act,
33 chapter 34.05 RCW, relating to standards for appropriateness of
34 orthotic and prosthetic care.

35 (7) The advisory committee shall meet at the times and places
36 designated by the secretary and hold meetings during the year as
37 necessary to provide advice to the secretary. The committee may elect
38 a chair and a vice chair. A majority of the members currently serving
39 constitute a quorum.

1 (8) Each member of an advisory committee shall be reimbursed for
2 travel expenses as authorized in RCW 43.03.050 and 43.03.060. In
3 addition, members of the committees shall be compensated in
4 accordance with RCW 43.03.240 when engaged in the authorized business
5 of their committees.

6 (9) The secretary, members of advisory committees, or individuals
7 acting on their behalf are immune from suit in any action, civil or
8 criminal, based on any credentialing or disciplinary proceedings or
9 other official acts performed in the course of their duties.

10 **Sec. 31.** RCW 18.25.0165 and 1994 sp.s. c 9 s 106 are each
11 amended to read as follows:

12 Members must be (~~citizens of the United States and~~) residents
13 of this state. Members must be licensed chiropractors for a period of
14 five years before appointment. Public members of the commission may
15 not be a member of any other health care licensing board or
16 commission, or have a fiduciary obligation to a facility rendering
17 health services regulated by the commission, or have a material or
18 financial interest in the rendering of health services regulated by
19 the commission.

20 **Sec. 32.** RCW 18.79.070 and 2005 c 17 s 1 are each amended to
21 read as follows:

22 (1) The state nursing care quality assurance commission is
23 established, consisting of fifteen members to be appointed by the
24 governor to four-year terms. The governor shall consider nursing
25 members who are recommended for appointment by the appropriate
26 professional associations in the state. No person may serve as a
27 member of the commission for more than two consecutive full terms.

28 (2) There must be seven registered nurse members, two advanced
29 registered nurse practitioner members, three licensed practical nurse
30 members, and three public members on the commission. Each member of
31 the commission must be a (~~citizen of the United States and a~~)
32 resident of this state.

33 (3) (a) Registered nurse members of the commission must:

34 (i) Be licensed as registered nurses under this chapter; and
35 (ii) Have had at least three years' experience in the active
36 practice of nursing and have been engaged in that practice within two
37 years of appointment.

38 (b) In addition:

1 (i) At least one member must be on the faculty at a four-year
2 university nursing program;

3 (ii) At least one member must be on the faculty at a two-year
4 community college nursing program;

5 (iii) At least two members must be staff nurses providing direct
6 patient care; and

7 (iv) At least one member must be a nurse manager or a nurse
8 executive.

9 (4) Advanced registered nurse practitioner members of the
10 commission must:

11 (a) Be licensed as advanced registered nurse practitioners under
12 this chapter; and

13 (b) Have had at least three years' experience in the active
14 practice of advanced registered nursing and have been engaged in that
15 practice within two years of appointment.

16 (5) Licensed practical nurse members of the commission must:

17 (a) Be licensed as licensed practical nurses under this chapter;
18 and

19 (b) Have had at least three years' actual experience as a
20 licensed practical nurse and have been engaged in practice as a
21 practical nurse within two years of appointment.

22 (6) Public members of the commission may not be a member of any
23 other health care licensing board or commission, or have a fiduciary
24 obligation to a facility rendering health services regulated by the
25 commission, or have a material or financial interest in the rendering
26 of health services regulated by the commission.

27 In appointing the initial members of the commission, it is the
28 intent of the legislature that, to the extent possible, the governor
29 appoint the existing members of the board of nursing and the board of
30 practical nursing repealed under chapter 9, Laws of 1994 sp. sess.
31 The governor may appoint initial members of the commission to
32 staggered terms of from one to four years. Thereafter, all members
33 shall be appointed to full four-year terms. Members of the commission
34 hold office until their successors are appointed.

35 When the secretary appoints pro tem members, reasonable efforts
36 shall be made to ensure that at least one pro tem member is a
37 registered nurse who is currently practicing and, in addition to
38 meeting other minimum qualifications, has graduated from an associate
39 or baccalaureate nursing program within three years of appointment.

1 **Sec. 33.** RCW 18.79.140 and 1994 sp.s. c 9 s 414 are each amended
2 to read as follows:

3 The executive director must be a graduate of (~~(an approved~~
4 ~~nursing education program and of)~~) a college or university, with a
5 masters' degree (~~(, and currently licensed as a registered nurse under~~
6 ~~this chapter; have a minimum of eight years' experience in nursing in~~
7 ~~any combination of administration and nursing education; and have~~
8 ~~been actively engaged in the practice of registered nursing or~~
9 ~~nursing education within two years immediately before the time of~~
10 ~~appointment)~~).

11 **Sec. 34.** RCW 18.71.015 and 2019 c 55 s 4 are each amended to
12 read as follows:

13 The Washington medical commission is established, consisting of
14 thirteen individuals licensed to practice medicine in the state of
15 Washington under this chapter, two individuals who are licensed in
16 the state of Washington as physician assistants under chapter 18.71A
17 RCW, and six individuals who are members of the public. At least two
18 of the public members shall not be from the health care industry.
19 Each congressional district now existing or hereafter created in the
20 state must be represented by at least one physician member of the
21 commission. The terms of office of members of the commission are not
22 affected by changes in congressional district boundaries. Public
23 members of the commission may not be a member of any other health
24 care licensing board or commission, or have a fiduciary obligation to
25 a facility rendering health services regulated by the commission, or
26 have a material or financial interest in the rendering of health
27 services regulated by the commission.

28 The members of the commission shall be appointed by the
29 governor (~~(. Members of the initial commission may be appointed to~~
30 ~~staggered terms of one to four years)~~), and (~~(thereafter)~~) all terms
31 of appointment shall be for four years. The governor shall consider
32 such physician and physician assistant members who are recommended
33 for appointment by the appropriate professional associations in the
34 state. (~~(In appointing the initial members of the commission, it is~~
35 ~~the intent of the legislature that, to the extent possible, the~~
36 ~~existing members of the board of medical examiners and medical~~
37 ~~disciplinary board repealed under section 336, chapter 9, Laws of~~
38 ~~1994 sp. sess. be appointed to the commission.)~~) No member may serve

1 more than two consecutive full terms. Each member shall hold office
2 until a successor is appointed.

3 Each member of the commission must be (~~(a citizen of the United~~
4 ~~States, must be)~~) an actual resident of this state, and, if a
5 physician or physician assistant, must have been licensed to practice
6 medicine in this state for at least five years.

7 The commission shall meet as soon as practicable after
8 appointment and elect officers each year. Meetings shall be held at
9 least four times a year and at such place as the commission
10 determines and at such other times and places as the commission deems
11 necessary. A majority of the commission members appointed and serving
12 constitutes a quorum for the transaction of commission business.

13 The affirmative vote of a majority of a quorum of the commission
14 is required to carry any motion or resolution, to adopt any rule, or
15 to pass any measure. The commission may appoint panels consisting of
16 at least three members. A quorum for the transaction of any business
17 by a panel is a minimum of three members. A majority vote of a quorum
18 of the panel is required to transact business delegated to it by the
19 commission.

20 Each member of the commission shall be compensated in accordance
21 with RCW 43.03.265 and in addition thereto shall be reimbursed for
22 travel expenses incurred in carrying out the duties of the commission
23 in accordance with RCW 43.03.050 and 43.03.060. Any such expenses
24 shall be paid from funds appropriated to the department of health.

25 Whenever the governor is satisfied that a member of a commission
26 has been guilty of neglect of duty, misconduct, or malfeasance or
27 misfeasance in office, the governor shall file with the secretary of
28 state a statement of the causes for and the order of removal from
29 office, and the secretary shall forthwith send a certified copy of
30 the statement of causes and order of removal to the last known post
31 office address of the member.

32 Vacancies in the membership of the commission shall be filled for
33 the unexpired term by appointment by the governor.

34 The members of the commission are immune from suit in an action,
35 civil or criminal, based on its disciplinary proceedings or other
36 official acts performed in good faith as members of the commission.

37 Whenever the workload of the commission requires, the commission
38 may request that the secretary appoint pro tempore members of the
39 commission. When serving, pro tempore members of the commission have
40 all of the powers, duties, and immunities, and are entitled to all of

1 the emoluments, including travel expenses, of regularly appointed
2 members of the commission.

3 NEW SECTION. **Sec. 35.** Section 27 of this act expires July 1,
4 2022.

5 NEW SECTION. **Sec. 36.** Section 28 of this act takes effect July
6 1, 2022.

Passed by the Senate March 7, 2022.

Passed by the House March 1, 2022.

Approved by the Governor March 30, 2022.

Filed in Office of Secretary of State March 31, 2022.

--- END ---

Territorial Assembly

[Legislature Home](#) > [History of the State Legislature](#) > [Territorial Assembly](#) > Territorial Government

Territorial Government (Organic Act)

Reviser's note: The original organic act to establish the territorial government of Washington is set forth herein. Note however that the organic act was completely revised in the 1873 United States Revised Statutes which was enacted by Congress in 1874. The 1873 United States Revised Statutes contained a construction section (Title 74, section 5596) which has been construed by the United States Supreme Court (*Dwight v. Merrit*, 140 U.S. 213, 11 S.Ct. 768, 35 L.Ed. 45) as abrogating or repealing all prior statutes on the same subject as those revised. As the twenty-one sections of the original organic act were rewritten and combined with the organic acts of other territories the disposition of the original sections into the 1873 United States Revised Statutes cannot be traced with absolute accuracy. A schedule of the disposition of the original organic act sections based on the audit contained in the United States Revised Statutes of 1878, is published herein following section 21 of the organic act.

AN ACT TO ESTABLISH THE TERRITORIAL GOVERNMENT OF WASHINGTON.

(Approved March 2, 1853.) [10 U.S. Statutes at Large, c 90 p 172.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, all that portion of Oregon Territory lying and being south of the forty-ninth degree of north latitude, and north of the middle of the main channel of the Columbia River, from its mouth to where the forty-sixth degree of north latitude crosses said river, near Fort Wallawalla, thence with said forty-sixth degree of latitude to the summit of the Rocky Mountains, be organized into and constitute a temporary government by the name of the Territory of Washington: *Provided*, That nothing in this act contained shall be construed to affect the authority of the government of the United States to make any regulation respecting the Indians of said Territory, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the government to make if this act had never been passed: *Provided further*, That the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, or that may have been so occupied as missionary stations prior to the passage of the act establishing the Territorial government of Oregon, together with the improvements thereon, be, and is hereby, confirmed and established to the several religious societies to which said missionary stations respectively belong.

SEC. 2. *And be it further enacted*, That the executive power and authority in and over said Territory of Washington shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The governor shall reside in said Territory, shall be the commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of Superintendent of Indian Affairs; he may grant pardons and remit fines and forfeitures for offenses against the laws of said Territory, and respites for offenses against the laws of the United States until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, where, by law, such commissions shall be required, and shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted*, That there shall be a Secretary of said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his Executive department; he shall transmit one copy of the laws and journals of

the Legislative Assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July in each year, to the President of the United States, and two copies of the laws to the President of the Senate and to the Speaker of the House of Representatives, for the use of Congress. And in case of the death, removal, resignation, or absence of the Governor from the Territory, the Secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the Governor during such vacancy or absence, or until another Governor shall be duly appointed and qualified to fill such vacancy.

SEC. 4. *And be it further enacted*, That the Legislative power and authority of said Territory shall be vested in a Legislative Assembly, which shall consist of a Council and House of Representatives. The Council shall consist of nine members, having the qualifications of voters, as hereinafter prescribed, whose term of service shall continue three years. Immediately after they shall be assembled, in consequence of their first election, they shall be divided as equally as may be into three classes. The seats of the members of Council of the first class, shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third class at the expiration of the third year, so that one third may be chosen every year; and if vacancies happen, by resignation or otherwise, the same shall be filled at the next ensuing election. The House of Representatives shall, at its first session, consist of eighteen members, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one year. The number of representatives may be increased by the Legislative Assembly, from time to time, in proportion to the increase of qualified voters: *Provided*, That the whole number shall never exceed thirty. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the Council and Representatives, giving to each section of the Territory representation in the ratio of its qualified voters, as nearly as may be. And the members of the Council and of the House of Representatives shall reside in, and be inhabitants of, the district or county or counties, for which they may be elected, respectively. Previous to the first election, the Governor shall cause a census or enumeration of the inhabitants and qualified voters of the several counties and districts of the Territory to be taken, by such persons, and in such mode, as the Governor shall designate and appoint; and the persons so appointed shall receive a reasonable compensation therefor. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who shall superintend such election and the returns thereof, as the Governor shall appoint and direct; and he shall at the same time declare the number of members of the Council and House of Representatives to which each of the counties or districts shall be entitled under this act; and the Governor shall, by his proclamation, give at least sixty days' previous notice of such apportionment, and of the time, places, and manner of holding such election. The persons having the highest number of legal votes in each of said council districts for members of the Council shall be declared by the Governor to be duly elected to the Council, and the persons having the highest number of legal votes for the House of Representatives shall be declared by the Governor to be duly elected members of said House: *Provided*, That in case two or more persons voted for shall have an equal number of votes, and in case a vacancy shall otherwise occur in either branch of the Legislative Assembly, the Governor shall order a new election; and the persons thus elected to the Legislative Assembly shall meet at such place, and on such day, within ninety days after such elections, as the Governor shall appoint. But thereafter the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the Council and House of Representatives, according to the number of qualified voters, shall be prescribed

by law, as well as the day of the commencement of the regular session of the Legislative Assembly: *Provided*, That no session in any one year shall exceed the term of sixty days, except the first session, which shall not exceed one hundred days.

SEC. 5. *And be it further enacted*, That every white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and those above that age who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act: *And provided further*, That no officer, soldier, seaman, mariner, or other person in the army or navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote in said Territory, by reason of being on service therein, unless said Territory is, and has been for the period of six months, his permanent domicil: *Provided further*, That no person belonging to the army or navy of the United States shall ever be elected to or hold any civil office or appointment in said Territory.

PROSE

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Appellate Court Case Title: Jeffery Aristotle Pecoraro, Appellant v. State of Washington, Respondent (580586)

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- Sierra.mcwilliams@atg.wa.gov
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Comments:

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Address:
11515 209th Ave Ct E
Bonney Lake, WA, 98391
Phone: (206) 825-1882

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STATE OF WASHINGTON
6/5/2023 8:45 AM
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CLERK

JEFFERY ARISTOTLE PECORARO,
Petitioner,

v.

STATE OF WASHINGTON,
Respondent.

No.

CERTIFICATE OF SERVICE

I, JEFFERY ARISTOTLE PECORARO, declare and state as follows: On Monday, June 5, 2023, I e-mailed and e-served the listed documents related to the above cause number _____ to: sierra.mcwilliams@atg.wa.gov

- PETITION FOR REVIEW
- CERTIFICATE OF SERVICE

I, JEFFERY ARISTOTLE PECORARO, declare under penalty of perjury of the laws of the State of Washington that the foregoing information is true and correct.

Dated this 5th day of June, 2023, at Bonney Lake, Washington.



Jeffery Aristotle Pecoraro, ProSe
11515 209th Ave Ct E
Bonney Lake, WA 98391
Phone: 206-825-1882
Email: jpecoraro79@gmail.com

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