
SUBSTITUTE HOUSE BILL 1275

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson and Cooper).

Read first time March 6, 1991.

1 AN ACT Relating to local government; amending RCW 29.18.022,
2 29.30.025, 29.21.010, 29.30.040, 35.02.020, 35.02.090, 35.06.020,
3 35.06.030, 35.06.050, 35.24.020, 35.24.180, 35.24.190, 35.27.010,
4 35.27.070, 35.27.130, 35.27.270, 35.27.280, 35A.39.010, 41.08.040,
5 41.12.040, 42.17.310, 54.08.010, 54.08.070, and 54.08.080; adding a new
6 section to chapter 35.21 RCW; providing an effective date; and
7 providing an expiration date.

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

9 **Sec. 1.** RCW 29.18.022 and 1987 c 110 s 1 are each amended to read
10 as follows:

11 The names of all candidates for partisan office, for the office of
12 superintendent of public instruction, for port district and public
13 utility district office, and for all judicial offices shall be rotated
14 in each precinct in the manner specified by RCW 29.30.040, 29.30.340,
15 and 29.30.440. The order of names of candidates for such offices on

1 sample ballots and on absentee ballots in primaries shall be determined
2 in the following manner:

3 (1) After the close of business on the last day for candidates to
4 file for office, the officer with whom declarations of candidacy are
5 filed shall, from among those filings made in person and by mail in
6 accordance with RCW 29.18.045(2), determine by lot the order in which
7 the names of those candidates shall appear on the sample and absentee
8 ballots under the appropriate office heading. The determination shall
9 be done publicly, and may be witnessed by the media and by any
10 candidate desiring to do so.

11 (2) For the purposes of this section and RCW 29.18.045, "filing
12 officer" means the officer with whom declarations of candidacy for an
13 office must be filed.

14 **Sec. 2.** RCW 29.30.025 and 1990 c 59 s 80 are each amended to read
15 as follows:

16 After the close of business on the last day for candidates to file
17 for office, the filing officer shall, from among those filings made in
18 person and by mail, determine by lot the order in which the names of
19 those candidates will appear on all sample and absentee ballots. In
20 the case of candidates for city, town, and district office, except for
21 port district and public utility district office, this procedure shall
22 also determine the order for candidate names on the official primary
23 ballot used at the polling place. The determination shall be done
24 publicly and may be witnessed by the media and by any candidate. If no
25 primary is required for any nonpartisan office under RCW 29.15.150 or
26 29.21.015, the names shall appear on the general election ballot in the
27 order determined by lot.

1 **Sec. 3.** RCW 29.21.010 and 1977 c 53 s 3 are each amended to read
2 as follows:

3 All cities and towns shall hold primary elections irrespective of
4 type or form of government which shall be nonpartisan and held as
5 provided in RCW 29.13.070, as now or hereafter amended. All districts,
6 except those districts which require ownership of property within
7 (~~said~~) the districts as a prerequisite to voting, shall hold primary
8 elections which shall be nonpartisan and held as provided in RCW
9 29.13.070 as now or hereafter amended.

10 All names of candidates to be voted upon at city, town, and such
11 district primary elections, except for port district and public utility
12 district primary elections, shall be printed upon the official primary
13 ballot alphabetically in groups under the designation of the respective
14 titles of the offices for which they are candidates. The name of the
15 person who receives the greatest number of votes and of the person who
16 receives the next greatest number of votes for each position, shall
17 appear in that order on the city, town, or district general election
18 ballot concerned under the designation for each respective office. In
19 the event there are two or more offices to be filled for the same
20 position, then names of candidates receiving the highest number of
21 votes equal in number to twice the offices to be filled shall appear on
22 the city, town, or district general election ballot so that the voter
23 shall have a choice of two candidates for each position: PROVIDED,
24 That no name of any candidate shall appear on the city, town, or
25 district general election ballot unless said candidate shall receive at
26 least five percent of the total votes cast for that office. The
27 sequence of names of candidates printed on the city, town, or district
28 general election ballot shall be in relation to the number of votes
29 each candidate received at the primary. Names of candidates printed

1 upon the city, town, or district primary and general election ballot
2 need not be rotated.

3 The purpose of this section is to establish the holding of a
4 primary election, subject to the exemptions as contained in RCW
5 29.21.015 as now or hereafter amended, as a uniform procedural
6 requirement to the holding of city, town, and district elections and
7 such provisions shall supersede any and all other statutes, whether
8 general or special in nature, having different election requirements.

9 **Sec. 4.** RCW 29.30.040 and 1990 c 59 s 94 are each amended to read
10 as follows:

11 At primaries, the names of candidates for federal, state, and
12 county partisan offices, for the office of superintendent of public
13 instruction, for port district and public utility district office, and
14 for judicial offices shall, for each office or position, be arranged
15 initially in the order determined under RCW 29.30.025. Additional sets
16 of ballots shall be prepared in which the positions of the names of all
17 candidates for each office or position shall be changed as many times
18 as there are candidates in the office or position in which there are
19 the greatest number of names. As nearly as possible an equal number of
20 ballots shall be prepared after each change. In making the changes of
21 position between each set of ballots, the candidates for each such
22 office in the first position under the office heading shall be moved to
23 the last position under that office heading, and each other name shall
24 be moved up to the position immediately above its previous position
25 under that office heading. The effect of this rotation of the order of
26 the names shall be that the name of each candidate for an office or
27 position shall appear first, second, and so forth for that office or
28 position on the ballots of a nearly equal number of registered voters
29 in that jurisdiction. In a precinct using voting devices, the names of

1 the candidates for each office shall appear in only one sequence in
2 that precinct. The names of candidates for city, town, and district
3 office on the ballot at the primary shall not be rotated.

4 **Sec. 5.** RCW 35.02.020 and 1986 c 234 s 3 are each amended to read
5 as follows:

6 A petition for incorporation must be signed by ~~((qualified))~~
7 registered voters resident within the limits of the proposed city or
8 town equal in number to ten percent of the ~~((votes cast))~~ number of
9 voters who voted at the last ~~((state))~~ general municipal election and
10 presented to the auditor of the county in which all, or the largest
11 portion of, the proposed city or town is located.

12 **Sec. 6.** RCW 35.02.090 and 1986 c 234 s 12 are each amended to read
13 as follows:

14 The elections on the proposed incorporation and for the nomination
15 and election of the initial elected officials shall be conducted in
16 accordance with the general election laws of the state, except as
17 provided in this chapter. No person is entitled to vote ~~((thereat))~~
18 unless he or she is a ~~((qualified elector))~~ registered voter of the
19 county, or any of the counties in which the proposed city or town is
20 located, and has resided within the limits of the proposed city or town
21 for at least thirty days next preceding the date of election.

22 **Sec. 7.** RCW 35.06.020 and 1965 c 7 s 35.06.020 are each amended to
23 read as follows:

24 When a petition is filed signed by ~~((electors))~~ registered voters
25 of a city or town, in number equal to not less than one-fifth of the
26 votes cast at the last general municipal election, seeking
27 reorganization thereof as a city of a higher class than that indicated

1 by the last preceding federal or state census, the city or town council
2 to which the petition is presented shall forthwith cause a census to be
3 taken by one or more suitable persons of all the inhabitants of such
4 town or city in which census the full name of each person shall be
5 plainly written, and the names alphabetically arranged and regularly
6 numbered in complete series. The census shall be verified before an
7 officer authorized to administer oaths and filed with the city or town
8 clerk.

9 If the census shows such city or town qualified for the class named
10 in the petition, the same proceedings shall be had as if the census
11 were a federal or state census.

12 If the census shows such city or town not qualified for the class
13 named in the petition, no further proceedings shall be had: PROVIDED,
14 That the city or town may be reorganized as a city or town of the class
15 indicated by the census, upon a proper petition filed within six months
16 from the filing of such census with the clerk, without other or further
17 census.

18 **Sec. 8.** RCW 35.06.030 and 1965 c 7 s 35.06.030 are each amended to
19 read as follows:

20 If the census prescribed in RCW 35.06.020 shows that the city or
21 town belongs to the class named in the petition, the city or town
22 council shall cause notice to be given as in other cases, that at the
23 ((the)) next general election of the city or town, or at a special
24 election to be called for that purpose, the ((electors)) voters may
25 vote for or against the advancement, their ballots to contain the words
26 "for advancement" and the words "against advancement."

27 **Sec. 9.** RCW 35.06.050 and 1965 c 7 s 35.06.050 are each amended to
28 read as follows:

1 The clerk shall lay the certificate of election and census before
2 the council at its next regular meeting after the same has been filed
3 in his or her office, and if (~~it appear that all the votes cast for~~
4 ~~the advancement are not a majority of the votes cast at the election~~)
5 a majority of those voting on the advancement are not in favor of
6 advancement, no further proceedings shall be had on that petition; but
7 this shall not bar any new proceedings for such purpose.

8 **Sec. 10.** RCW 35.24.020 and 1987 c 3 s 9 are each amended to read
9 as follows:

10 The government of a third class city shall be vested in a mayor, a
11 city council of seven members, a city attorney, a clerk, a treasurer,
12 all elective; and a chief of police, municipal judge, city engineer,
13 street superintendent, health officer and such other appointive
14 officers as may be provided for by statute or ordinance: PROVIDED,
15 That the council may enact an ordinance providing for the appointment
16 of the city clerk, city attorney, and treasurer by the mayor, which
17 appointment shall be subject to confirmation by a majority vote of the
18 city council. Such ordinance shall be enacted and become effective not
19 later than thirty days prior to the first day allowed for filing
20 declarations of candidacy for such offices when such offices are
21 subject to an approaching city primary election. Elective incumbent
22 city clerks, city attorneys, and city treasurers shall serve for the
23 remainder of their unexpired term notwithstanding any appointment made
24 pursuant to RCW 35.24.020 and 35.24.050. If a free public library and
25 reading room is established, five library trustees shall be appointed.
26 The city council by ordinance shall prescribe the duties and fix the
27 compensation of all officers and employees: PROVIDED, That the
28 provisions of any such ordinance shall not be inconsistent with any
29 statute: PROVIDED FURTHER, That where the city council finds that the

1 appointment of a full time city engineer is unnecessary, it may in lieu
2 of such appointment, by resolution provide for the performance of
3 necessary engineering services on either a part time, temporary or
4 periodic basis by a qualified engineering firm, pursuant to any
5 reasonable contract.

6 The mayor shall appoint and at his or her pleasure may remove all
7 appointive officers except as otherwise provided herein: PROVIDED,
8 That municipal judges shall be removed only upon conviction of
9 misconduct or malfeasance in office, or because of physical or mental
10 disability rendering ((him)) the judge incapable of performing the
11 duties of his or her office. Every appointment or removal must be in
12 writing signed by the mayor and filed with the city clerk.

13 **Sec. 11.** RCW 35.24.180 and 1965 c 7 s 35.24.180 are each amended
14 to read as follows:

15 The city council and mayor shall meet on the first Tuesday in
16 January next succeeding the date of each general municipal election,
17 and shall take the oath of office, and shall hold regular meetings at
18 least once during each month but not to exceed one regular meeting in
19 each week, at such times as may be fixed by ordinance.

20 Special meetings may be called by the mayor by written notice
21 ~~((delivered to each member of the council at least three hours before
22 the time specified for the proposed meeting))~~ as provided in RCW
23 42.30.080. No ordinances shall be passed or contract let or entered
24 into, or bill for the payment of money allowed at any special meeting.

25 All meetings of the city council shall be held within the corporate
26 limits of the city at such place as may be designated by ordinance.
27 All meetings of the city council must be public.

1 **Sec. 12.** RCW 35.24.190 and 1969 c 101 s 3 are each amended to read
2 as follows:

3 The members of the city council at their first meeting after each
4 general municipal election and thereafter whenever a vacancy occurs,
5 shall elect from among their number a mayor pro tempore, who shall hold
6 office at the pleasure of the council and in case of the absence of the
7 mayor, perform the duties of mayor except that he or she shall not have
8 the power to appoint or remove any officer or to veto any ordinance.
9 If a vacancy occurs in the office of mayor, the city council at their
10 next regular meeting shall elect from among their number a mayor, who
11 shall serve until a mayor is elected and certified at the next
12 municipal election.

13 In the event of the extended excused absence or disability of a
14 councilmember, the remaining members by majority vote may appoint a
15 councilmember pro tempore to serve during the absence or disability.

16 The mayor and the mayor pro tempore shall have power to administer
17 oaths and affirmations, take affidavits and certify them. The mayor or
18 the mayor pro tempore when acting as mayor, shall sign all conveyances
19 made by the city and all instruments which require the seal of the
20 city.

21 **Sec. 13.** RCW 35.27.010 and 1965 c 7 s 35.27.010 are each amended
22 to read as follows:

23 Every municipal corporation of the fourth class shall be entitled
24 the "Town of" (naming it), and by such name shall have
25 perpetual succession, may sue, and be sued in all courts and places,
26 and in all proceedings whatever; shall have and use a common seal,
27 alterable at the pleasure of the town authorities, and may purchase,
28 lease, receive, hold, and enjoy real and personal property and control

1 ((and)), lease, sublease, convey, or otherwise dispose of the same for
2 the common benefit.

3 **Sec. 14.** RCW 35.27.070 and 1987 c 3 s 12 are each amended to read
4 as follows:

5 The government of a town shall be vested in a mayor and a council
6 consisting of five members and a treasurer, all elective; the mayor
7 shall appoint a clerk and a marshal; and may appoint a town attorney,
8 pound master, street superintendent, a civil engineer, and such police
9 and other subordinate officers and employees as may be provided for by
10 ordinance. All appointive officers and employees shall hold office at
11 the pleasure of the mayor and shall not be subject to confirmation by
12 the town council.

13 **Sec. 15.** RCW 35.27.130 and 1990 c 212 s 2 are each amended to read
14 as follows:

15 The mayor and members of the town council may be reimbursed for
16 actual expenses incurred in the discharge of their official duties upon
17 presentation of a claim therefor and its allowance and approval by
18 resolution of the town council. The mayor and members of the council
19 may also receive such salary as the council may fix by ordinance.

20 The treasurer and treasurer-clerk shall severally receive at stated
21 times a compensation to be fixed by ordinance.

22 The compensation of all other officers and employees shall be fixed
23 from time to time by the council.

24 Any town that provides a pension for any of its employees under a
25 plan not administered by the state must notify the state auditor of the
26 existence of the plan at the time of an audit of the town by the
27 auditor. No town may establish a pension plan for its employees that
28 is not administered by the state, except that any defined contribution

1 plan in existence as of January 1, 1990, is deemed to have been
2 authorized. No town that provides a defined contribution plan for its
3 employees as authorized by this section may make any material changes
4 in the terms or conditions of the plan after June 7, 1990.

5 **Sec. 16.** RCW 35.27.270 and 1965 c 7 s 35.27.270 are each amended
6 to read as follows:

7 The town council shall meet on the second Tuesday in January
8 succeeding the date of the general municipal election, shall take the
9 oath of office, and shall hold regular meetings at least once each
10 month at such times as may be fixed by ordinance. Special meetings may
11 be called at any time by the mayor or by three ~~((councilmen))~~
12 councilmembers, by written notice ~~((delivered to each member at least~~
13 ~~three hours before the time specified for the proposed meeting))~~ as
14 provided in RCW 42.30.080. No resolution or order for the payment of
15 money shall be passed at any other than a regular meeting. No such
16 resolution or order shall be valid unless passed by the votes of at
17 least three ~~((councilmen))~~ councilmembers.

18 All meetings of the council shall be held within the corporate
19 limits of the town, at such places as may be designated by ordinance
20 and shall be public.

21 **Sec. 17.** RCW 35.27.280 and 1965 c 107 s 2 are each amended to read
22 as follows:

23 A majority of the ~~((councilmen))~~ councilmembers shall constitute a
24 quorum for the transaction of business, but a lesser number may adjourn
25 from time to time and may compel the attendance of absent members in
26 such manner and under such penalties as may be prescribed by ordinance.

27 In the event of the extended excused absence or disability of a
28 councilmember, the remaining members by majority vote may appoint a

1 councilmember pro tempore to serve during the absence or disability.

2 The mayor shall preside at all meetings of the council. The mayor
3 shall have a vote only in case of a tie in the votes of the
4 (~~councilmen~~) councilmembers. In the absence of the mayor the council
5 may appoint a president pro tempore; in the absence of the clerk, the
6 mayor, or president pro tempore, shall appoint one of the
7 councilmembers as clerk pro tempore. The council may establish rules
8 for the conduct of its proceedings and punish any members or other
9 person for disorderly behavior at any meeting. At the desire of any
10 member, the ayes and noes shall be taken on any question and entered in
11 the journal.

12 NEW SECTION. Sec. 18. A new section is added to chapter 35.21 RCW
13 to read as follows:

14 (1) It is the purpose of this section to provide a means whereby
15 all cities and towns may obtain, through a single source, information
16 regarding ordinances of other cities and towns that may be of
17 assistance to them in enacting appropriate local legislation.

18 (2) For the purposes of this section, (a) "clerk" means the city or
19 town clerk or other person who is lawfully designated to perform the
20 recordkeeping function of that office, and (b) "municipal research
21 council" means the municipal research council created by chapter 43.110
22 RCW.

23 (3) The clerk of every city and town is directed to provide to the
24 municipal research council or its designee, promptly after adoption, a
25 copy of each of its regulatory ordinances and such other ordinances or
26 kinds of ordinances as may be described in a list or lists promulgated
27 by the municipal research council or its designee from time to time,
28 and may provide such copies without charge. The municipal research
29 council may provide that information to the entity with which it

1 contracts for the provision of municipal research and services, in
2 order to provide a pool of information for all cities and towns in the
3 state of Washington.

4 (4) This section is intended to be directory and not mandatory.

5 **Sec. 19.** RCW 35A.39.010 and 1967 ex.s. c 119 s 35A.39.010 are each
6 amended to read as follows:

7 Every code city shall keep a journal of minutes of its legislative
8 meetings with orders, resolutions and ordinances passed, and records of
9 the proceedings of any city department, division or commission
10 performing quasi judicial functions as required by ordinances of the
11 city and general laws of the state and shall keep such records open to
12 the public as required by RCW 42.32.030 and shall keep and preserve all
13 public records and publications or reproduce and destroy the same as
14 provided by Title 40 RCW. Each code city (~~shall provide three copies~~
15 ~~of each of its ordinances of general application to the association of~~
16 ~~Washington cities without charge and~~) may duplicate and sell copies of
17 its ordinances at fees reasonably calculated to defray the cost of such
18 duplication and handling.

19 **Sec. 20.** RCW 41.08.040 and 1973 1st ex.s. c 154 s 60 are each
20 amended to read as follows:

21 Immediately after appointment the commission shall organize by
22 electing one of its members (~~chairman~~) chair and hold regular
23 meetings at least once a month, and such additional meetings as may be
24 required for the proper discharge of their duties.

25 They shall appoint a secretary and chief examiner, who shall keep
26 the records of the commission, preserve all reports made to it,
27 superintend and keep a record of all examinations held under its

1 direction, and perform such other duties as the commission may
2 prescribe.

3 The secretary and chief examiner shall be appointed as a result of
4 competitive examination which examination may be either original and
5 open to all properly qualified citizens of the city, town or
6 municipality, or promotional and limited to persons already in the
7 service of the fire department or of the fire department and other
8 departments of said city, town or municipality, as the commission may
9 decide. The secretary and chief examiner may be subject to suspension,
10 reduction or discharge in the same manner and subject to the same
11 limitations as are provided in the case of members of the fire
12 department. It shall be the duty of the civil service commission:

13 (1) To make suitable rules and regulations not inconsistent with
14 the provisions of this chapter. Such rules and regulations shall
15 provide in detail the manner in which examinations may be held, and
16 appointments, promotions, transfers, reinstatements, demotions,
17 suspensions and discharges shall be made, and may also provide for any
18 other matters connected with the general subject of personnel
19 administration, and which may be considered desirable to further carry
20 out the general purposes of this chapter, or which may be found to be
21 in the interest of good personnel administration. Such rules and
22 regulations may be changed from time to time. The rules and
23 regulations and any amendments thereof shall be printed, mimeographed
24 or multigraphed for free public distribution. Such rules and
25 regulations may be changed from time to time.

26 (2) All tests shall be practical, and shall consist only of
27 subjects which will fairly determine the capacity of persons examined
28 to perform duties of the position to which appointment is to be made,
29 and may include tests of physical fitness and/or of manual skill.

1 (3) The rules and regulations adopted by the commission shall
2 provide for a credit (~~(of ten percent)~~) in accordance with RCW
3 41.04.010 in favor of all applicants for appointment under civil
4 service, who, in time of war, or in any expedition of the armed forces
5 of the United States, have served in and been honorably discharged from
6 the armed forces of the United States, including the army, navy, and
7 marine corps and the American Red Cross. These credits apply to
8 entrance examinations only.

9 (4) The commission shall make investigations concerning and report
10 upon all matters touching the enforcement and effect of the provisions
11 of this chapter, and the rules and regulations prescribed hereunder;
12 inspect all institutions, departments, offices, places, positions and
13 employments affected by this chapter, and ascertain whether this
14 chapter and all such rules and regulations are being obeyed. Such
15 investigations may be made by the commission or by any commissioner
16 designated by the commission for that purpose. Not only must these
17 investigations be made by the commission as aforesaid, but the
18 commission must make like investigation on petition of a citizen, duly
19 verified, stating that irregularities or abuses exist, or setting forth
20 in concise language, in writing, the necessity for such investigation.
21 In the course of such investigation the commission or designated
22 commissioner, or chief examiner, shall have the power to administer
23 oaths, subpoena and require the attendance of witnesses and the
24 production by them of books, papers, documents and accounts
25 appertaining to the investigation and also to cause the deposition of
26 witnesses residing within or without the state to be taken in the
27 manner prescribed by law for like depositions in civil actions in the
28 superior court; and the oaths administered hereunder and the subpoenas
29 issued hereunder shall have the same force and effect as the oaths
30 administered by a superior court judge in his or her judicial capacity;

1 and the failure upon the part of any person so subpoenaed to comply
2 with the provisions of this section shall be deemed a violation of this
3 chapter, and punishable as such.

4 (5) All hearings and investigations before the commission, or
5 designated commissioner, or chief examiner, shall be governed by this
6 chapter and by rules of practice and procedure to be adopted by the
7 commission, and in the conduct thereof neither the commission, nor
8 designated commissioner shall be bound by the technical rules of
9 evidence. No informality in any proceedings or hearing, or in the
10 manner of taking testimony before the commission or designated
11 commissioner, shall invalidate any order, decision, rule or regulation
12 made, approved or confirmed by the commission: PROVIDED, HOWEVER, That
13 no order, decision, rule or regulation made by any designated
14 commissioner conducting any hearing or investigation alone shall be of
15 any force or effect whatsoever unless and until concurred in by at
16 least one of the other two members.

17 (6) To hear and determine appeals or complaints respecting the
18 administrative work of the personnel department; appeals upon the
19 allocation of positions; the rejection of an examination, and such
20 other matters as may be referred to the commission.

21 (7) Establish and maintain in card or other suitable form a roster
22 of officers and employees.

23 (8) Provide for, formulate and hold competitive tests to determine
24 the relative qualifications of persons who seek employment in any class
25 or position and as a result thereof establish eligible lists for the
26 various classes of positions, and to provide that persons laid off
27 because of curtailment of expenditures, reduction in force, and for
28 like causes, head the list in the order of their seniority, to the end
29 that they shall be the first to be reemployed.

1 (9) When a vacant position is to be filled, to certify to the
2 appointing authority, on written request, the name of the person
3 highest on the eligible list for the class. If there are no such
4 lists, to authorize provisional or temporary appointment list of such
5 class. Such temporary or provisional appointment shall not continue
6 for a period longer than four months; nor shall any person receive more
7 than one provisional appointment or serve more than four months as a
8 provisional appointee in any one fiscal year.

9 (10) Keep such records as may be necessary for the proper
10 administration of this chapter.

11 **Sec. 21.** RCW 41.12.040 and 1937 c 13 s 5 are each amended to read
12 as follows:

13 Immediately after appointment the commission shall organize by
14 electing one of its members ((~~chairman~~)) chair and hold regular
15 meetings at least once a month, and such additional meetings as may be
16 required for the proper discharge of their duties.

17 They shall appoint a secretary and chief examiner, who shall keep
18 the records for the commission, preserve all reports made to it,
19 superintend and keep a record of all examinations held under its
20 direction, and perform such other duties as the commission may
21 prescribe.

22 The secretary and chief examiner shall be appointed as a result of
23 competitive examination which examination may be either original and
24 open to all properly qualified citizens of the city, town, or
25 municipality, or promotional and limited to persons already in the
26 service of the police department or of the police department and other
27 departments of said city, town, or municipality, as the commission may
28 decide. The secretary and chief examiner may be subject to suspension,
29 reduction, or discharge in the same manner and subject to the same

1 limitations as are provided in the case of members of the police
2 department. It shall be the duty of the civil service commission:

3 (1) To make suitable rules and regulations not inconsistent with
4 the provisions of this chapter. Such rules and regulations shall
5 provide in detail the manner in which examinations may be held, and
6 appointments, promotions, transfers, reinstatements, demotions,
7 suspensions, and discharges shall be made, and may also provide for any
8 other matters connected with the general subject of personnel
9 administration, and which may be considered desirable to further carry
10 out the general purposes of this chapter, or which may be found to be
11 in the interest of good personnel administration. Such rules and
12 regulations may be changed from time to time. The rules and
13 regulations and any amendments thereof shall be printed, mimeographed,
14 or multigraphed for free public distribution. Such rules and
15 regulations may be changed from time to time;

16 (2) All tests shall be practical, and shall consist only of
17 subjects which will fairly determine the capacity of persons examined
18 to perform duties of the position to which appointment is to be made,
19 and may include tests of physical fitness and/or of manual skill;

20 (3) The rules and regulations adopted by the commission shall
21 provide for a credit (~~(of ten percent)~~) in accordance with RCW
22 41.04.010 in favor of all applicants for appointment under civil
23 service, who, in time of war, or in any expedition of the armed forces
24 of the United States, have served in and been honorably discharged from
25 the armed forces of the United States, including the army, navy, and
26 marine corps and the American Red Cross. These credits apply to
27 entrance examinations only;

28 (4) The commission shall make investigations concerning and report
29 upon all matters touching the enforcement and effect of the provisions
30 of this chapter, and the rules and regulations prescribed hereunder;

1 inspect all institutions, departments, offices, places, positions, and
2 employments affected by this chapter, and ascertain whether this
3 chapter and all such rules and regulations are being obeyed. Such
4 investigations may be made by the commission or by any commissioner
5 designated by the commission for that purpose. Not only must these
6 investigations be made by the commission as aforesaid, but the
7 commission must make like investigation on petition of a citizen, duly
8 verified, stating that irregularities or abuses exist, or setting forth
9 in concise language, in writing, the necessity for such investigation.
10 In the course of such investigation the commission or designated
11 commissioner, or chief examiner, shall have the power to administer
12 oaths, subpoena and require the attendance of witnesses and the
13 production by them of books, papers, documents, and accounts
14 appertaining to the investigation, and also to cause the deposition of
15 witnesses residing within or without the state to be taken in the
16 manner prescribed by law for like depositions in civil actions in the
17 superior court; and the oaths administered hereunder and the subpoenas
18 issued hereunder shall have the same force and effect as the oaths
19 administered by a superior court judge in his or her judicial capacity;
20 and the failure upon the part of any person so subpoenaed to comply
21 with the provisions of this section shall be deemed a violation of this
22 chapter, and punishable as such;

23 (5) Hearings and Investigations: How conducted. All hearings and
24 investigations before the commission, or designated commissioner, or
25 chief examiner, shall be governed by this chapter and by rules of
26 practice and procedure to be adopted by the commission, and in the
27 conduct thereof neither the commission, nor designated commissioner
28 shall be bound by the technical rules of evidence. No informality in
29 any proceedings or hearing, or in the manner of taking testimony before
30 the commission or designated commissioner, shall invalidate any order,

1 decision, rule or regulation made, approved or confirmed by the
2 commission: PROVIDED, HOWEVER, That no order, decision, rule or
3 regulation made by any designated commissioner conducting any hearing
4 or investigation alone shall be of any force or effect whatsoever
5 unless and until concurred in by at least one of the other two members;

6 (6) To hear and determine appeals or complaints respecting the
7 administrative work of the personnel department; appeals upon the
8 allocation of positions; the rejection of an examination, and such
9 other matters as may be referred to the commission;

10 (7) Establish and maintain in card or other suitable form a roster
11 of officers and employees;

12 (8) Provide for, formulate and hold competitive tests to determine
13 the relative qualifications of persons who seek employment in any class
14 or position and as a result thereof establish eligible lists for the
15 various classes of positions, and to provide that (~~men~~) persons laid
16 off because of curtailment of expenditures, reduction in force, and for
17 like causes, head the list in the order of their seniority, to the end
18 that they shall be the first to be reemployed;

19 (9) When a vacant position is to be filled, to certify to the
20 appointing authority, on written request, the name of the person
21 highest on the eligible list for the class. If there are no such
22 lists, to authorize provisional or temporary appointment list of such
23 class. Such temporary or provisional appointment shall not continue
24 for a period longer than four months; nor shall any person receive more
25 than one provisional appointment or serve more than four months as
26 provisional appointee in any one fiscal year;

27 (10) Keep such records as may be necessary for the proper
28 administration of this chapter.

1 **Sec. 22.** RCW 42.17.310 and 1990 2nd ex.s. c 1 s 1103 are each
2 amended to read as follows:

3 (1) The following are exempt from public inspection and copying:

4 (a) Personal information in any files maintained for students in
5 public schools, patients or clients of public institutions or public
6 health agencies, or welfare recipients.

7 (b) Personal information in files maintained for employees,
8 appointees, or elected officials of any public agency to the extent
9 that disclosure would violate their right to privacy.

10 (c) Information required of any taxpayer in connection with the
11 assessment or collection of any tax if the disclosure of the
12 information to other persons would (i) be prohibited to such persons by
13 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
14 in unfair competitive disadvantage to the taxpayer.

15 (d) Specific intelligence information and specific investigative
16 records compiled by investigative, law enforcement, and penology
17 agencies, and state agencies vested with the responsibility to
18 discipline members of any profession, the nondisclosure of which is
19 essential to effective law enforcement or for the protection of any
20 person's right to privacy.

21 (e) Information revealing the identity of persons who file
22 complaints with investigative, law enforcement, or penology agencies,
23 other than the public disclosure commission, if disclosure would
24 endanger any person's life, physical safety, or property. If at the
25 time the complaint is filed the complainant indicates a desire for
26 disclosure or nondisclosure, such desire shall govern. However, all
27 complaints filed with the public disclosure commission about any
28 elected official or candidate for public office must be made in writing
29 and signed by the complainant under oath.

1 (f) Test questions, scoring keys, and other examination data used
2 to administer a license, employment, or academic examination.

3 (g) Except as provided by chapter 8.26 RCW, the contents of real
4 estate appraisals, made for or by any agency relative to the
5 acquisition or sale of property, until the project or prospective sale
6 is abandoned or until such time as all of the property has been
7 acquired or the property to which the sale appraisal relates is sold,
8 but in no event shall disclosure be denied for more than three years
9 after the appraisal.

10 (h) Valuable formulae, designs, drawings, and research data
11 obtained by any agency within five years of the request for disclosure
12 when disclosure would produce private gain and public loss.

13 (i) Preliminary drafts, notes, recommendations, and intra-agency
14 memorandums in which opinions are expressed or policies formulated or
15 recommended except that a specific record shall not be exempt when
16 publicly cited by an agency in connection with any agency action.

17 (j) Records which are relevant to a controversy to which an agency
18 is a party but which records would not be available to another party
19 under the rules of pretrial discovery for causes pending in the
20 superior courts.

21 (k) Records, maps, or other information identifying the location of
22 archaeological sites in order to avoid the looting or depredation of
23 such sites.

24 (l) Any library record, the primary purpose of which is to maintain
25 control of library materials, or to gain access to information, which
26 discloses or could be used to disclose the identity of a library user.

27 (m) Financial information supplied by or on behalf of a person,
28 firm, or corporation for the purpose of qualifying to submit a bid or
29 proposal for (a) a ferry system construction or repair contract as

1 required by RCW 47.60.680 through 47.60.750 or (b) highway construction
2 or improvement as required by RCW 47.28.070.

3 (n) Railroad company contracts filed with the utilities and
4 transportation commission under RCW 81.34.070, except that the
5 summaries of the contracts are open to public inspection and copying as
6 otherwise provided by this chapter.

7 (o) Financial and commercial information and records supplied by
8 private persons pertaining to export services provided pursuant to
9 chapters 43.163 ((RCW)) and ((chapter)) 53.31 RCW.

10 (p) Financial disclosures filed by private vocational schools under
11 chapter 28C.10 RCW.

12 (q) Records filed with the utilities and transportation commission
13 or attorney general under RCW 80.04.095 that a court has determined are
14 confidential under RCW 80.04.095.

15 (r) Financial and commercial information and records supplied by
16 businesses during application for loans or program services provided by
17 chapters 43.163 ((RCW and chapters)), 43.31, 43.63A, and 43.168 RCW.

18 (s) Membership lists or lists of members or owners of interests of
19 units in timeshare projects, subdivisions, camping resorts,
20 condominiums, land developments, or common-interest communities
21 affiliated with such projects, regulated by the department of
22 licensing, in the files or possession of the department.

23 (t) All applications for public employment, including the names of
24 applicants, resumes, and other related materials submitted with respect
25 to an applicant.

26 (u) The residential addresses and residential telephone numbers of
27 employees or volunteers of a public agency which are held by the agency
28 in personnel records, employment or volunteer rosters, or mailing lists
29 of employees or volunteers.

1 (v) The residential addresses and residential telephone numbers of
2 the customers of a public utility contained in the records or lists
3 held by the public utility of which they are customers.

4 (w) Information obtained by the board of pharmacy as provided in
5 RCW 69.45.090.

6 (x) Information obtained by the board of pharmacy and its
7 representatives as provided in RCW 69.41.044 and 69.41.280.

8 (y) Financial information, business plans, examination reports, and
9 any information produced or obtained in evaluating or examining a
10 business and industrial development corporation organized or seeking
11 certification under chapter 31.24 RCW.

12 (z) Financial and commercial information supplied to the state
13 investment board by any person when the information relates to the
14 investment of public trust or retirement funds and when disclosure
15 would result in loss to such funds or in private loss to the providers
16 of this information.

17 (aa) Financial and valuable trade information under RCW 51.36.120.

18 (bb) Effective March 1, 1991, the work and home addresses, other
19 than the city of residence, of a person shall remain undisclosed or be
20 omitted from all documents made available for public review if that
21 person requests in writing, under oath, that these addresses be kept
22 private because disclosure would endanger his or her life, physical
23 safety, or property. This provision does not in any way restrict the
24 sharing or collection of information by state and local governmental
25 agencies required for the daily administration of their duties. The
26 secretary of state shall administer this provision and establish the
27 procedures and rules that are necessary for its operation. An agency
28 that has not been furnished with a request for confidentiality of
29 address information is not liable for damages resulting from its
30 disclosure of the information. For purpose of service of process, the

1 secretary of state shall serve as agent for each person who submits a
2 request under this subsection. A request shall be of no force or
3 effect if the requester does not include a statement, along with or
4 part of the request, designating the secretary of state as agent of the
5 requester for purposes of service of process.

6 (cc) Personal information in files maintained for patients or
7 clients who have been provided emergency medical services by a publicly
8 operated emergency medical service provider.

9 (2) Except for information described in subsection (1)(c)(i) of
10 this section and confidential income data exempted from public
11 inspection pursuant to RCW 84.40.020, the exemptions of this section
12 are inapplicable to the extent that information, the disclosure of
13 which would violate personal privacy or vital governmental interests,
14 can be deleted from the specific records sought. No exemption may be
15 construed to permit the nondisclosure of statistical information not
16 descriptive of any readily identifiable person or persons.

17 (3) Inspection or copying of any specific records exempt under the
18 provisions of this section may be permitted if the superior court in
19 the county in which the record is maintained finds, after a hearing
20 with notice thereof to every person in interest and the agency, that
21 the exemption of such records is clearly unnecessary to protect any
22 individual's right of privacy or any vital governmental function.

23 (4) Agency responses refusing, in whole or in part, inspection of
24 any public record shall include a statement of the specific exemption
25 authorizing the withholding of the record (or part) and a brief
26 explanation of how the exemption applies to the record withheld.

27 **Sec. 23.** RCW 54.08.010 and 1985 c 469 s 55 are each amended to
28 read as follows:

1 At any general election held in an even-numbered year, the county
2 legislative authority of any county in this state may, or, on petition
3 of ten percent of the (~~qualified electors~~) registered voters of the
4 county based on the total vote cast in the last general county election
5 held in an even-numbered year, shall, by resolution, submit to the
6 voters of the county the proposition of creating a public utility
7 district which shall be coextensive with the limits of the county as
8 now or hereafter established. A form of petition for the creation of
9 a public utility district shall be submitted to the county auditor
10 within ten months prior to the election at which the proposition is to
11 be submitted to the voters. Petitions shall be filed with the county
12 auditor not less than four months before the election and the county
13 auditor shall within thirty days examine the signatures thereof and
14 certify to the sufficiency or insufficiency thereof. If the petition
15 be found to be insufficient, it shall be returned to the persons filing
16 the same, who may amend or add names thereto for ten days, when the
17 same shall be returned to the county auditor, who shall have an
18 additional fifteen days to examine the same and attach his or her
19 certificate thereto. No person having signed the petition shall be
20 allowed to withdraw his or her name therefrom after the filing of the
21 same with the county auditor: PROVIDED, That each signature shall be
22 dated and that no signature dated prior to the date on which the form
23 of petition was submitted to the county auditor shall be valid.
24 Whenever the petition shall be certified to as sufficient, the county
25 auditor shall forthwith transmit the same, together with his or her
26 certificate of sufficiency attached thereto, to the county legislative
27 authority which shall submit the proposition to the voters of the
28 county at the next general election in an even-numbered year occurring
29 forty-five days after submission of the proposition to the legislative
30 authority. The notice of the election shall state the boundaries of

1 the proposed public utility district and the object of such election,
2 and shall in other respects conform to the requirements of the general
3 laws of the state of Washington, governing the time and manner of
4 holding elections. In submitting the question to the voters for their
5 approval or rejection, the proposition shall be expressed on the ballot
6 substantially in the following terms:

7 Public Utility District No. YES ()

8 Public Utility District No. NO ()

9 Any petition for the formation of a public utility district may
10 describe a less area than the entire county in which the petition is
11 filed, the boundaries of which shall follow the then existing precinct
12 boundaries and not divide any voting precinct; and in the event that
13 such a petition is filed the county legislative authority shall fix a
14 date for a hearing on such petition, and shall publish the petition,
15 without the signatures thereto appended, for two weeks prior to the
16 date of the hearing, together with a notice stating the time of the
17 meeting when the petition will be heard. The publication, and all
18 other publications required by this act, shall be in a newspaper of
19 general circulation in the county in which the district is situated.
20 The hearing on the petition may be adjourned from time to time, not
21 exceeding four weeks in all. If upon the final hearing the county
22 legislative authority shall find that any lands have been unjustly or
23 improperly included within the proposed public utility district and
24 will not be benefited by inclusion therein, it shall change and fix the
25 boundary lines in such manner as it shall deem reasonable and just and
26 conducive to the public welfare and convenience, and make and enter an
27 order establishing and defining the boundary lines of the proposed
28 public utility district: PROVIDED, That no lands shall be included

1 within the boundaries so fixed lying outside the boundaries described
2 in the petition, except upon the written request of the owners of those
3 lands. Thereafter the same procedure shall be followed as prescribed
4 in this chapter for the formation of a public utility district
5 including an entire county, except that the petition and election shall
6 be confined solely to the lesser public utility district.

7 No public utility district created after September 1, 1979, shall
8 include any other public utility district within its boundaries:
9 PROVIDED, That this paragraph shall not alter, amend, or modify
10 provisions of chapter 54.32 RCW.

11 **Sec. 24.** RCW 54.08.070 and 1979 ex.s. c 240 s 2 are each amended
12 to read as follows:

13 Any district which does not own or operate electric facilities for
14 the generation, transmission or distribution of electric power on March
15 25, 1969, or any district which hereafter does not construct or acquire
16 such electric facilities within ten years of its creation, shall not
17 construct or acquire any such electric facilities without the approval
18 of such proposal by the voters of such district: PROVIDED, That a
19 district shall have the power to construct or acquire electric
20 facilities within ten years following its creation by action of its
21 commission without voter approval of such action.

22 At any general election held in an even-numbered year, the proposal
23 to construct or acquire electric facilities may be submitted to the
24 voters of the district by resolution of the public utility district
25 commission or shall be submitted to the voters of the district by the
26 county legislative authority on petition of ten percent of the
27 (~~qualified electors~~) registered voters of (~~such~~) the district,
28 based on the total vote cast in the last general county election held
29 in an even-numbered year. A form of petition for the construction or

1 acquisition of electric facilities by the public utility district shall
2 be submitted to the county auditor within ten months prior to the
3 election at which such proposition is to be submitted to the voters.
4 Petitions shall be filed with the county auditor not less than four
5 months before such election and the county auditor shall within thirty
6 days examine the signatures thereof and certify to the sufficiency or
7 insufficiency thereof. If such petition is found to be insufficient,
8 it shall be returned to the persons filing the same, who may amend and
9 add names thereto for ten days, when the same shall be returned to the
10 county auditor, who shall have an additional fifteen days to examine
11 the same and attach his or her certificate thereto. No person having
12 signed such petition shall be allowed to withdraw his or her name
13 therefrom after the filing of the same with the county auditor:
14 PROVIDED, That each signature shall be dated and that no signature
15 dated prior to the date on which the form of petition was submitted to
16 the county auditor shall be valid. Whenever such petition shall be
17 certified to as sufficient, the county auditor shall forthwith transmit
18 the same, together with his or her certificate of sufficiency attached
19 thereto, to the county legislative authority which shall submit such
20 proposition to the voters of ((said)) the district at the next general
21 election in an even-numbered year occurring forty-five days after
22 submission of the proposition to ((said)) the legislative authority.
23 The notice of the election shall state the object of such election, and
24 shall in other respects conform to the requirements of the general laws
25 of Washington, governing the time and manner of holding elections.
26 The proposal submitted to the voters for their approval or
27 rejection, shall be expressed on the ballot substantially in the
28 following terms:

1 or if such district at the time of the submission of such proposition
2 is actually engaged in the operation of any utility properties.

3 If a majority of the (~~votes cast~~) registered voters voting on the
4 dissolution at the election favor dissolution, the commission of the
5 district shall petition, without any filing fee, the superior court of
6 the county in which such district is located for an order authorizing
7 the payment of all indebtedness of the district and directing the
8 transfer of any surplus funds or property to the general fund of the
9 county in which such district is organized.

10 NEW SECTION. Sec. 26. Sections 1 and 3 of this act shall
11 expire July 1, 1992.

12 NEW SECTION. Sec. 27. Sections 2 and 4 of this act shall take
13 effect July 1, 1992.