
SENATE BILL 5038

State of Washington

61st Legislature

2009 Regular Session

By Senators Kohl-Welles, King, Keiser, Franklin, and Pridemore; by request of Statute Law Committee

Read first time 01/12/09. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to making technical corrections to gender-based
2 terms; amending RCW 4.24.040, 9A.08.010, 9A.76.010, 11.28.090,
3 11.28.140, 14.12.010, 15.65.020, 18.64.011, 19.06.010, 19.210.010,
4 38.04.020, 38.16.030, 49.24.140, 49.24.150, 49.24.220, 62A.7-204,
5 62A.7-309, 69.04.009, 69.04.010, 69.04.024, 69.04.394, 69.04.396,
6 69.04.480, 69.41.010, 70.87.200, 70.104.020, 70.105.010, 77.55.011,
7 79A.05.600, 81.40.080, 81.48.050, 81.64.090, 82.75.010, 84.36.260,
8 85.08.310, 35.07.090, 35.07.120, 35.07.130, 35.07.140, 35.07.150,
9 35.07.170, 35.07.190, 35.07.200, 35.07.220, 35.13.171, 35.13A.090,
10 35.14.030, 35.14.060, 35.17.060, 35.17.070, 35.17.080, 35.17.150,
11 35.17.280, 35.18.010, 35.18.040, 35.18.050, 35.18.060, 35.18.070,
12 35.18.090, 35.18.110, 35.18.120, 35.18.130, 35.18.150, 35.18.170,
13 35.18.180, 35.18.190, 35.18.200, 35.18.280, 35.20.105, 35.20.131,
14 35.20.150, 35.20.170, 35.20.180, 35.20.190, 35.20.220, 35.20.240,
15 35.21.260, 35.21.850, 35.22.130, 35.22.210, 35.22.280, 35.22.610,
16 35.23.010, 35.23.111, 35.23.131, 35.23.144, 35.23.410, 35.23.440,
17 35.27.030, 35.27.050, 35.27.090, 35.27.120, 35.27.170, 35.27.190,
18 35.27.230, 35.27.280, 35.27.310, 35.27.330, 35.27.340, 35.32A.020,
19 35.32A.060, 35.33.011, 35.33.055, 35.33.135, 35.33.170, 35.36.010,
20 35.36.050, 35.36.060, 35.37.120, 35.38.050, 35.39.060, 35.44.190,
21 35.44.220, 35.44.230, 35.44.270, 35.45.080, 35.45.090, 35.45.130,

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| 1 | 35.45.150, | 35.49.010, | 35.49.040, | 35.49.090, | 35.49.100, | 35.50.005, |
| 2 | 35.50.225, | 35.53.070, | 35.54.100, | 35.55.070, | 35.56.040, | 35.56.080, |
| 3 | 35.56.140, | 35.58.070, | 35.58.100, | 35.58.130, | 35.58.140, | 35.58.150, |
| 4 | 35.58.160, | 35.58.210, | 35.58.230, | 35.58.265, | 35.58.270, | 35.58.370, |
| 5 | 35.58.390, | 35.58.400, | 35.58.460, | 35.58.530, | 35.61.230, | 35.63.020, |
| 6 | 35.63.030, | 35.63.040, | 35.63.100, | 35.68.020, | 35.69.030, | 35.70.030, |
| 7 | 35.70.040, | 35.70.060, | 35.71.050, | 35.77.030, | 35.82.050, | 35.82.060, |
| 8 | 35.82.180, | 35.84.050, | 35.86A.060, | 35.88.050, | 35.88.060, | 35.88.090, |
| 9 | 35.92.260, | 35.94.020, | 35.94.030, | 35.96.050, | 35A.02.055, | 35A.08.020, |
| 10 | 35A.08.040, | 35A.08.050, | 35A.12.010, | 35A.12.030, | 35A.12.065, | 35A.12.070, |
| 11 | 35A.12.080, | 35A.12.100, | 35A.12.110, | 35A.12.120, | 35A.12.130, | 35A.12.150, |
| 12 | 35A.12.170, | 35A.13.010, | 35A.13.020, | 35A.13.030, | 35A.13.033, | 35A.13.035, |
| 13 | 35A.13.040, | 35A.13.050, | 35A.13.060, | 35A.13.070, | 35A.13.080, | 35A.13.100, |
| 14 | 35A.13.120, | 35A.13.130, | 35A.13.140, | 35A.14.190, | 35A.21.030, | 35A.33.010, |
| 15 | 35A.33.052, | 35A.33.135, | 35A.33.160, | 35A.36.010, | 35A.36.050, | 35A.36.060, |
| 16 | 35A.42.010, | 35A.42.030, | 35A.63.020, | 35A.63.110, | 36.08.020, | 36.08.070, |
| 17 | 36.08.090, | 36.09.020, | 36.09.040, | 36.13.040, | 36.16.040, | 36.16.060, |
| 18 | 36.16.070, | 36.16.087, | 36.16.120, | 36.17.045, | 36.17.050, | 36.18.030, |
| 19 | 36.18.050, | 36.18.060, | 36.18.070, | 36.18.080, | 36.18.090, | 36.18.130, |
| 20 | 36.18.160, | 36.18.180, | 36.22.030, | 36.22.040, | 36.22.050, | 36.22.120, |
| 21 | 36.22.150, | 36.23.020, | 36.23.040, | 36.23.080, | 36.24.010, | 36.24.020, |
| 22 | 36.24.040, | 36.24.070, | 36.24.080, | 36.24.090, | 36.24.110, | 36.24.155, |
| 23 | 36.24.170, | 36.24.180, | 36.26.050, | 36.26.060, | 36.26.070, | 36.26.080, |
| 24 | 36.27.010, | 36.27.030, | 36.27.040, | 36.27.050, | 36.27.070, | 36.28.010, |
| 25 | 36.28.020, | 36.28.030, | 36.28.040, | 36.28.050, | 36.28.090, | 36.28.130, |
| 26 | 36.28.150, | 36.28.160, | 36.28.170, | 36.28.180, | 36.29.025, | 36.29.130, |
| 27 | 36.32.050, | 36.32.060, | 36.32.100, | 36.32.135, | 36.32.310, | 36.32.330, |
| 28 | 36.33.070, | 36.33.080, | 36.33.190, | 36.34.070, | 36.34.150, | 36.34.200, |
| 29 | 36.35.180, | 36.35.190, | 36.35.220, | 36.35.230, | 36.35.240, | 36.38.020, |
| 30 | 36.40.010, | 36.40.130, | 36.40.210, | 36.48.040, | 36.48.050, | 36.53.030, |
| 31 | 36.53.040, | 36.53.060, | 36.53.100, | 36.53.120, | 36.53.130, | 36.54.040, |
| 32 | 36.54.060, | 36.55.050, | 36.57.050, | 36.57.090, | 36.57A.050, | 36.57A.120, |
| 33 | 36.63.255, | 36.64.090, | 36.67.530, | 36.68.060, | 36.69.120, | 36.69.230, |
| 34 | 36.69.370, | 36.70.020, | 36.70.080, | 36.70.090, | 36.70.110, | 36.70.120, |
| 35 | 36.70.150, | 36.70.160, | 36.70.170, | 36.70.180, | 36.70.250, | 36.70.260, |
| 36 | 36.70.400, | 36.70.600, | 36.70.850, | 36.70.880, | 36.71.020, | 36.71.040, |
| 37 | 36.71.050, | 36.71.070, | 36.76.120, | 36.77.070, | 36.78.090, | 36.78.110, |
| 38 | 36.79.160, | 36.79.170, | 36.80.015, | 36.80.020, | 36.80.030, | 36.80.050, |

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| 1 | 36.80.060, | 36.81.050, | 36.81.060, | 36.82.100, | 36.87.040, | 36.88.040, |
| 2 | 36.88.130, | 36.88.150, | 36.88.200, | 36.88.250, | 36.88.270, | 36.88.300, |
| 3 | 36.88.330, | 36.88.450, | 36.90.030, | 36.92.030, | 36.93.070, | 36.93.110, |
| 4 | 36.93.160, | 36.94.060, | 36.94.290, | 36.94.340, | 36.95.060, | 36.95.100, |
| 5 | 36.95.110, | 36.95.150, | 36.95.160, | 43.01.040, | 43.01.050, | 43.01.070, |
| 6 | 43.03.011, | 43.03.015, | 43.03.020, | 43.03.030, | 43.03.110, | 43.03.120, |
| 7 | 43.03.170, | 43.03.180, | 43.03.200, | 43.06.020, | 43.06.040, | 43.06.050, |
| 8 | 43.06.055, | 43.06.070, | 43.06.080, | 43.06.090, | 43.06.110, | 43.06.120, |
| 9 | 43.06.200, | 43.06.270, | 43.07.010, | 43.07.020, | 43.07.030, | 43.07.040, |
| 10 | 43.07.050, | 43.07.090, | 43.07.110, | 43.08.010, | 43.08.020, | 43.08.030, |
| 11 | 43.08.040, | 43.08.050, | 43.08.062, | 43.08.066, | 43.08.068, | 43.08.070, |
| 12 | 43.08.080, | 43.08.100, | 43.08.120, | 43.08.130, | 43.08.135, | 43.08.150, |
| 13 | 43.10.010, | 43.10.020, | 43.10.030, | 43.10.060, | 43.10.080, | 43.10.090, |
| 14 | 43.10.110, | 43.10.115, | 43.10.120, | 43.10.130, | 43.10.160, | 43.10.170, |
| 15 | 43.17.030, | 43.17.040, | 43.17.050, | 43.17.060, | 43.17.100, | 43.19.180, |
| 16 | 43.19.1915, | 43.19.1937, | 43.19.200, | 43.19.595, | 43.19.600, | 43.19.620, |
| 17 | 43.19.630, | 43.19.635, | 43.20.030, | 43.20A.040, | 43.20A.110, | 43.20A.310, |
| 18 | 43.20A.320, | 43.20A.415, | 43.20A.605, | 43.20A.635, | 43.20A.660, | 43.21A.050, |
| 19 | 43.21A.067, | 43.21A.090, | 43.21A.100, | 43.21A.140, | 43.21A.600, | 43.21A.605, |
| 20 | 43.21A.610, | 43.21A.620, | 43.21A.630, | 43.21B.020, | 43.21B.050, | 43.21B.060, |
| 21 | 43.21B.080, | 43.21C.010, | 43.21C.020, | 43.21E.010, | 43.21F.405, | 43.21G.080, |
| 22 | 43.22.310, | 43.22.400, | 43.22.485, | 43.23.015, | 43.23.090, | 43.23.110, |
| 23 | 43.23.120, | 43.23.130, | 43.23.160, | 43.24.090, | 43.24.115, | 43.27A.190, |
| 24 | 43.33.040, | 43.37.050, | 43.37.120, | 43.37.150, | 43.37.160, | 43.37.170, |
| 25 | 43.41.060, | 43.41.100, | 43.41.106, | 43.41.360, | 43.43.040, | 43.43.110, |
| 26 | 43.43.120, | 43.43.130, | 43.43.135, | 43.43.330, | 43.43.350, | 43.43.370, |
| 27 | 43.43.735, | 43.43.750, | 43.43.815, | 43.43.860, | 43.46.090, | 43.52.290, |
| 28 | 43.52.374, | 43.52.375, | 43.52.378, | 43.52A.050, | 43.56.040, | 43.59.010, |
| 29 | 43.59.030, | 43.59.060, | 43.59.080, | 43.70.210, | 43.78.010, | 43.78.020, |
| 30 | 43.78.070, | 43.79.074, | 43.79.280, | 43.79.303, | 43.79.313, | 43.79.323, |
| 31 | 43.79.343, | 43.79.393, | 43.79A.020, | 43.80.130, | 43.82.140, | 43.83B.220, |
| 32 | 43.84.041, | 43.84.120, | 43.85.070, | 43.85.190, | 43.86A.020, | 43.88.100, |
| 33 | 43.89.040, | 43.101.040, | 43.101.050, | 43.101.070, | 43.115.040, | 43.117.040, |
| 34 | 43.117.050, | 43.117.090, | 43.126.025, | 43.126.065, | 43.130.040, | 43.130.050, |
| 35 | 43.336.020, | 44.04.100, | 44.04.120, | 44.16.010, | 44.16.030, | 44.16.040, |
| 36 | 44.16.070, | 44.16.080, | 44.16.090, | 44.16.100, | 44.16.120, | 44.16.140, |
| 37 | 44.16.160, | 44.16.170, | 44.20.060, | 44.39.050, | 44.39.060, | 44.48.050, |
| 38 | 44.48.060, | 44.48.110, | 48.02.010, | 48.02.020, | 48.02.030, | 48.02.060, |

1 48.02.080, 48.02.090, 48.02.100, 48.02.110, 48.02.130, 48.02.140,
2 48.02.150, 48.02.170, 48.03.030, 48.04.030, 48.05.110, 48.05.150,
3 48.05.160, 48.05.210, 48.05.290, 48.05.370, 48.06.050, 48.06.070,
4 48.06.100, 48.06.110, 48.06.180, 48.07.080, 48.07.150, 48.08.020,
5 48.08.090, 48.08.100, 48.08.110, 48.08.120, 48.08.130, 48.08.140,
6 48.08.170, 48.09.130, 48.09.160, 48.09.220, 48.09.230, 48.09.270,
7 48.10.140, 48.10.170, 48.10.200, 48.10.250, 48.10.260, 48.10.270,
8 48.10.280, 48.10.300, 48.10.330, 48.10.340, 48.11.080, 48.12.010,
9 48.12.080, 48.12.140, 48.13.350, 48.14.070, 48.15.100, 48.15.110,
10 48.15.120, 48.15.170, 48.16.080, 48.16.100, 48.17.430, 48.18.020,
11 48.18.050, 48.18.070, 48.18.090, 48.18.120, 48.18.130, 48.18.293,
12 48.18.340, 48.18.375, 48.18.400, 48.18.410, 48.18.420, 48.18.440,
13 48.18.450, 48.18A.020, 48.19.080, 48.19.090, 48.19.100, 48.19.110,
14 48.19.120, 48.19.180, 48.19.190, 48.19.220, 48.19.250, 48.19.290,
15 48.19.310, 48.19.330, 48.19.340, 48.19.350, 48.19.360, 48.19.370,
16 48.19.410, 48.20.062, 48.20.082, 48.20.172, 48.20.192, 48.20.222,
17 48.20.242, 48.21.060, 48.21.110, 48.21A.030, 48.21A.060, 48.22.030,
18 48.23.070, 48.24.120, 48.24.130, 48.24.140, 48.24.170, 48.24.180,
19 48.24.190, 48.24.200, 48.25.180, 48.25.190, 48.28.020, 48.30.020,
20 48.30.120, 48.30.130, 48.30.250, 48.31.010, 48.31.050, 48.31.060,
21 48.31.080, 48.31.090, 48.31.190, 48.31.210, 48.31.220, 48.31.230,
22 48.31.240, 48.31.270, 48.31.290, 48.31.310, 48.31.340, 48.31.350,
23 48.31.360, 48.32.080, 48.32.090, 48.32.110, 48.32.150, 48.32.170,
24 48.34.100, 48.34.120, 48.44.040, 48.44.090, 48.44.145, 48.44.160,
25 48.44.170, 48.46.040, 48.46.110, 48.46.120, 48.46.200, 48.46.240,
26 48.56.040, 48.56.050, 48.56.060, 48.56.110, 48.99.020, 48.99.050, and
27 48.99.060; creating a new section; and repealing RCW 35.18.005 and
28 35A.01.080.

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

30

PART I

31 **Sec. 1001.** RCW 4.24.040 and Code 1881 s 1226 are each amended to
32 read as follows:

33 If any person shall for any lawful purpose kindle a fire upon his
34 or her own land, he or she shall do it at such time and in such manner,
35 and shall take such care of it to prevent it from spreading and doing

1 damage to other persons' property, as a prudent and careful ((~~man~~))
2 person would do, and if he or she fails so to do he or she shall be
3 liable in an action on the case to any person suffering damage thereby
4 to the full amount of such damage.

5 **Sec. 1002.** RCW 9A.08.010 and 1975 1st ex.s. c 260 s 9A.08.010 are
6 each amended to read as follows:

7 (1) Kinds of Culpability Defined.

8 (a) INTENT. A person acts with intent or intentionally when he or
9 she acts with the objective or purpose to accomplish a result which
10 constitutes a crime.

11 (b) KNOWLEDGE. A person knows or acts knowingly or with knowledge
12 when:

13 (i) he or she is aware of a fact, facts, or circumstances or result
14 described by a statute defining an offense; or

15 (ii) he or she has information which would lead a reasonable
16 ((~~man~~)) person in the same situation to believe that facts exist which
17 facts are described by a statute defining an offense.

18 (c) RECKLESSNESS. A person is reckless or acts recklessly when he
19 or she knows of and disregards a substantial risk that a wrongful act
20 may occur and his or her disregard of such substantial risk is a gross
21 deviation from conduct that a reasonable ((~~man~~)) person would exercise
22 in the same situation.

23 (d) CRIMINAL NEGLIGENCE. A person is criminally negligent or acts
24 with criminal negligence when he or she fails to be aware of a
25 substantial risk that a wrongful act may occur and his or her failure
26 to be aware of such substantial risk constitutes a gross deviation from
27 the standard of care that a reasonable ((~~man~~)) person would exercise in
28 the same situation.

29 (2) Substitutes for Criminal Negligence, Recklessness, and
30 Knowledge. When a statute provides that criminal negligence suffices
31 to establish an element of an offense, such element also is established
32 if a person acts intentionally, knowingly, or recklessly. When
33 recklessness suffices to establish an element, such element also is
34 established if a person acts intentionally or knowingly. When acting
35 knowingly suffices to establish an element, such element also is
36 established if a person acts intentionally.

1 (3) Culpability as Determinant of Grade of Offense. When the grade
2 or degree of an offense depends on whether the offense is committed
3 intentionally, knowingly, recklessly, or with criminal negligence, its
4 grade or degree shall be the lowest for which the determinative kind of
5 culpability is established with respect to any material element of the
6 offense.

7 (4) Requirement of Wilfulness Satisfied by Acting Knowingly. A
8 requirement that an offense be committed wilfully is satisfied if a
9 person acts knowingly with respect to the material elements of the
10 offense, unless a purpose to impose further requirements plainly
11 appears.

12 **Sec. 1003.** RCW 9A.76.010 and 2001 c 264 s 4 are each amended to
13 read as follows:

14 The following definitions are applicable in this chapter unless the
15 context otherwise requires:

16 (1) "Custody" means restraint pursuant to a lawful arrest or an
17 order of a court, or any period of service on a work crew: PROVIDED,
18 That custody pursuant to chapter 13.34 RCW and RCW 74.13.020 and
19 74.13.031 and chapter 13.32A RCW shall not be deemed custody for
20 purposes of this chapter;

21 (2) "Detention facility" means any place used for the confinement
22 of a person (a) arrested for, charged with or convicted of an offense,
23 or (b) charged with being or adjudicated to be a juvenile offender as
24 defined in RCW 13.40.020 as now existing or hereafter amended, or (c)
25 held for extradition or as a material witness, or (d) otherwise
26 confined pursuant to an order of a court, except an order under chapter
27 13.34 RCW or chapter 13.32A RCW, or (e) in any work release, furlough,
28 or other such facility or program;

29 (3) "Contraband" means any article or thing which a person confined
30 in a detention facility is prohibited from obtaining or possessing by
31 statute, rule, regulation, or order of a court;

32 (4) "Uncontrollable circumstances" means an act of nature such as
33 a flood, earthquake, or fire, or a medical condition that requires
34 immediate hospitalization or treatment, or an act of (~~man~~) a human
35 being such as an automobile accident or threats of death, forcible
36 sexual attack, or substantial bodily injury in the immediate future for

1 which there is no time for a complaint to the authorities and no time
2 or opportunity to resort to the courts.

3 **Sec. 1004.** RCW 11.28.090 and 1965 c 145 s 11.28.090 are each
4 amended to read as follows:

5 Letters testamentary to be issued to executors under the provisions
6 of this chapter shall be signed by the clerk, and issued under the seal
7 of the court, and may be in the following form:

8 State of Washington, county of

9 In the superior court of the county of

10 Whereas, the last will of A B, deceased, was, on the day
11 of , A.D., , duly exhibited, proven, and recorded in
12 our said superior court; and whereas, it appears in and by said will
13 that C D is appointed executor thereon, and, whereas, said C D has duly
14 qualified, now, therefore, know all ((~~men~~)) persons by these presents,
15 that we do hereby authorize the said C D to execute said will according
16 to law.

17 Witness my hand and the seal of said court this day of
18 , A.D., 19. . . .

19 **Sec. 1005.** RCW 11.28.140 and 1965 c 145 s 11.28.140 are each
20 amended to read as follows:

21 Letters of administration shall be signed by the clerk, and be
22 under the seal of the court, and may be substantially in the following
23 form:

24 State of Washington, County of

25 Whereas, A.B., late of on or about the day of
26 A.D., died intestate, leaving at the time of his or
27 her death, property in this state subject to administration: Now,
28 therefore, know all ((~~men~~)) persons by these presents, that we do
29 hereby appoint administrator upon said estate, and
30 whereas said administrator has duly qualified, hereby authorize him or
31 her to administer the same according to law.

32 Witness my hand and the seal of said court this day of
33 A.D., 19. . . .

34 **Sec. 1006.** RCW 14.12.010 and 1945 c 174 s 1 are each amended to
35 read as follows:

1 As used in this chapter, unless the context otherwise requires:

2 (1) "Airports" means any area of land or water designed and set
3 aside for the landing and taking-off of aircraft and utilized or to be
4 utilized in the interest of the public for such purposes.

5 (2) "Airport hazard" means any structure or tree or use of land
6 which obstructs the airspace required for the flight of aircraft in
7 landing or taking-off at an airport or is otherwise hazardous to such
8 landing or taking-off of aircraft.

9 (3) "Airport hazard area" means any area of land or water upon
10 which an airport hazard might be established if not prevented as
11 provided in this chapter.

12 (4) "Political subdivision" means any county, city, town, port
13 district or other municipal or quasi municipal corporation authorized
14 by law to acquire, own or operate an airport.

15 (5) "Person" means any individual, firm, copartnership,
16 corporation, company, association, joint stock association or body
17 politic, including the state and its political subdivisions, and
18 includes any trustee, receiver, assignee, or other similar
19 representative thereof.

20 (6) "Structure" means any object constructed or installed by
21 (~~man~~) a human being, including, but without limitation, buildings,
22 towers, smokestacks, and overhead transmission lines.

23 (7) "Tree" means any object of natural growth.

24 **Sec. 1007.** RCW 15.65.020 and 2002 c 313 s 1 are each amended to
25 read as follows:

26 The following terms are hereby defined:

27 (1) "Director" means the director of agriculture of the state of
28 Washington or his or her duly appointed representative. The phrase
29 "director or his or her designee" means the director unless, in the
30 provisions of any marketing agreement or order, he or she has
31 designated an administrator, board, or other designee to act in the
32 matter designated, in which case "director or his or her designee"
33 means for such order or agreement the administrator, board, or other
34 person(s) so designated and not the director.

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

1 (3) "Marketing order" means an order adopted by the director under
2 this chapter that establishes a commodity board for an agricultural
3 commodity or agricultural commodities with like or common qualities or
4 producers.

5 (4) "Marketing agreement" means an agreement entered into and
6 issued by the director pursuant to this chapter.

7 (5) "Agricultural commodity" means any of the following commodities
8 or products: Llamas, alpacas, or any other animal or any distinctive
9 type of agricultural, horticultural, viticultural, floricultural,
10 vegetable, or animal product, including, but not limited to, products
11 qualifying as organic food products under chapter 15.86 RCW and private
12 sector cultured aquatic products as defined in RCW 15.85.020 and other
13 fish and fish products, either in its natural or processed state,
14 including beehives containing bees and honey and Christmas trees but
15 not including timber or timber products. The director is hereby
16 authorized to determine (on the basis of common usage and practice)
17 what kinds, types or sub-types should be classed together as an
18 agricultural commodity for the purposes of this chapter.

19 (6) "Production area" and "marketing area" means any area defined
20 as such in any marketing order or agreement in accordance with RCW
21 15.65.350. "Affected area" means the marketing or production area so
22 defined in such order, agreement or proposal.

23 (7) "Unit" of an agricultural commodity means a unit of volume,
24 weight, quantity, or other measure in which such commodity is commonly
25 measured. The director shall designate in each marketing order and
26 agreement the unit to be used therein.

27 (8) "Affected unit" means in the case of marketing agreements and
28 orders drawn on the basis of a production area, any unit of the
29 commodity specified in or covered by such agreement or order which is
30 produced in such area and sold or marketed or delivered for sale or
31 marketing; and "affected unit" means, in the case of marketing
32 agreements and orders drawn on the basis of marketing area, any unit of
33 the commodity specified in or covered by such agreement or order which
34 is stored in frozen condition or sold or marketed or delivered for sale
35 or marketing within such marketing area: PROVIDED, That in the case of
36 marketing agreements "affected unit" shall include only those units
37 which are produced by producers or handled by handlers who have
38 assented to such agreement.

1 (9) "Affected commodity" means that part or portion of any
2 agricultural commodity which is covered by or forms the subject matter
3 of any marketing agreement or order or proposal, and includes all
4 affected units thereof as herein defined and no others.

5 (10) "Producer" means any person engaged in the business of
6 producing any agricultural commodity for market in commercial
7 quantities. "Affected producer" means any producer who is subject to
8 a marketing order or agreement. "To produce" means to act as a
9 producer. For the purposes of RCW 15.65.140 and 15.65.160 as now or
10 hereafter amended "producer" shall include bailees who contract to
11 produce or grow any agricultural product on behalf of a bailor who
12 retains title to the seed and its resulting agricultural product or the
13 agricultural product delivered for further production or increase.

14 (11) "Handler" means any person who acts, either as principal,
15 agent or otherwise, in processing, selling, marketing or distributing
16 an agricultural commodity or storage of a frozen agricultural commodity
17 which was not produced by him or her. "Handler" does not mean a common
18 carrier used to transport an agricultural commodity. "Affected
19 handler" means any handler of an affected commodity. "To handle" means
20 to act as a handler.

21 (12) "Producer-handler" means any person who acts both as a
22 producer and as a handler with respect to any agricultural commodity.
23 A producer-handler shall be deemed to be a producer with respect to the
24 agricultural commodities which he or she produces, and a handler with
25 respect to the agricultural commodities which he or she handles,
26 including those produced by himself or herself.

27 (13) "Cooperative association" means any incorporated or
28 unincorporated association of producers which conforms to the
29 qualifications set out in the act of congress of the United States of
30 February 18, 1922 as amended, known as the "Capper-Volstead Act" and
31 which is engaged in making collective sales or in marketing any
32 agricultural commodity or product thereof or in rendering service for
33 or advancing the interests of the producers of such commodity on a
34 nonprofit cooperative basis.

35 (14) "Member of a cooperative association" means any producer who
36 markets his or her product through such cooperative association and who
37 is a voting stockholder of or has a vote in the control of or is a

1 party to a marketing agreement with such cooperative association with
2 respect to such product.

3 (15) "Producer marketing" or "marketed by producers" means any or
4 all operations performed by any producer or cooperative association of
5 producers in preparing for market and marketing, and shall include:
6 (a) selling any agricultural commodity produced by such producer(s) to
7 any handler; (b) delivering any such commodity or otherwise disposing
8 of it for commercial purposes to or through any handler.

9 (16) "Commercial quantities" as applied to producers and/or
10 production means such quantities per year (or other period of time) of
11 an agricultural commodity as the director finds are not less than the
12 minimum which a prudent (~~man~~) person engaged in agricultural
13 production would produce for the purpose of making such quantity of
14 such commodity a substantial contribution to the economic operation of
15 the farm on which such commodity is produced. "Commercial quantities"
16 as applied to handlers and/or handling means such quantities per year
17 (or other period of time) of an agricultural commodity or product
18 thereof as the director finds are not less than the minimum which a
19 prudent (~~man~~) person engaged in such handling would handle for the
20 purpose of making such quantity a substantial contribution to the
21 handling operation in which such commodity or product thereof is so
22 handled. In either case the director may in his or her discretion:
23 (a) Determine that substantial quantity is any amount above zero; and
24 (b) apply the quantity so determined on a uniform rule applicable alike
25 to all persons which he or she finds to be similarly situated.

26 (17) "Commodity board" means any board established pursuant to RCW
27 15.65.220. "Board" means any such commodity board unless a different
28 board is expressly specified.

29 (18) "Sell" includes offer for sale, expose for sale, have in
30 possession for sale, exchange, barter or trade.

31 (19) "Section" means a section of this chapter unless some other
32 statute is specifically mentioned. The present includes the past and
33 future tenses, and the past or future the present. The masculine
34 gender includes the feminine and neuter. The singular number includes
35 the plural and the plural includes the singular.

36 (20) "Represented in a referendum" means that a written document
37 evidencing approval or assent or disapproval or dissent is duly and
38 timely filed with or mailed to the director by or on behalf of an

1 affected producer and/or a volume of production of an affected
2 commodity in a form which the director finds meets the requirements of
3 this chapter. "Referendum" means a vote by the affected parties or
4 affected producers which is conducted by secret ballot.

5 (21) "Person" means any individual, firm, corporation, limited
6 liability company, trust, association, partnership, society, or any
7 other organization of individuals, or any unit or agency of local,
8 state, or federal government.

9 (22) "Affected parties" means any producer, affected producer,
10 handler, or commodity board member.

11 (23) "Assessment" means the monetary amount established in a
12 marketing order or agreement that is to be paid by each affected
13 producer to a commodity board in accordance with the schedule
14 established in the marketing order or agreement.

15 (24) "List of affected parties" means a list containing the names
16 and mailing addresses of affected parties. This list shall contain the
17 names and addresses of all affected parties and, if requested by the
18 director, the amount, by unit, of the affected commodity produced
19 during a designated period under this chapter.

20 (25) "List of affected producers" means a list containing the names
21 and mailing addresses of affected producers. This list shall contain
22 the names and addresses of all affected producers and, if requested by
23 the director, the amount, by unit, of the affected commodity produced
24 during a designated period under this chapter.

25 (26) "List of affected handlers" means a list containing the names
26 and addresses of affected handlers. This list shall contain the names
27 and addresses of all affected handlers and, if requested by the
28 director, the amount, by unit, of the affected commodity handled during
29 a designated period under this chapter.

30 (27) "Mail" or "send" for purposes of any notice relating to rule
31 making, referenda, or elections means regular mail or electronic
32 distribution, as provided in RCW 34.05.260 for rule making.
33 "Electronic distribution" or "electronically" means distribution by
34 electronic mail or facsimile mail.

35 (28) "Percent by numbers" means the percent of those persons on the
36 list of affected parties or affected producers.

37 (29) "Rule-making proceedings" means the rule-making provisions as
38 outlined in chapter 34.05 RCW.

1 (30) "Vacancy" means that a board member leaves or is removed from
2 a board position prior to the end of a term, or a nomination process
3 for the beginning of a term concludes with no candidates for a
4 position.

5 (31) "Volume of production" means the percent of the average volume
6 of production of the affected commodity of those on the list of
7 affected parties or affected producers for a production period. For
8 the purposes of this chapter, a production period is a minimum three-
9 year period or as specified in the marketing order or agreement.

10 **Sec. 1008.** RCW 18.64.011 and 1997 c 129 s 1 are each amended to
11 read as follows:

12 Unless the context clearly requires otherwise, definitions of terms
13 shall be as indicated when used in this chapter.

14 (1) "Person" means an individual, corporation, government,
15 governmental subdivision or agency, business trust, estate, trust,
16 partnership or association, or any other legal entity.

17 (2) "Board" means the Washington state board of pharmacy.

18 (3) "Drugs" means:

19 (a) Articles recognized in the official United States pharmacopoeia
20 or the official homeopathic pharmacopoeia of the United States;

21 (b) Substances intended for use in the diagnosis, cure, mitigation,
22 treatment, or prevention of disease in ((~~man~~)) human beings or other
23 animals;

24 (c) Substances (other than food) intended to affect the structure
25 or any function of the body of ((~~man~~)) human beings or other animals;
26 or

27 (d) Substances intended for use as a component of any substances
28 specified in (a), (b), or (c) of this subsection, but not including
29 devices or their component parts or accessories.

30 (4) "Device" means instruments, apparatus, and contrivances,
31 including their components, parts, and accessories, intended (a) for
32 use in the diagnosis, cure, mitigation, treatment, or prevention of
33 disease in ((~~man~~)) human beings or other animals, or (b) to affect the
34 structure or any function of the body of ((~~man~~)) human beings or other
35 animals.

36 (5) "Nonlegend" or "nonprescription" drugs means any drugs which
37 may be lawfully sold without a prescription.

1 (6) "Legend drugs" means any drugs which are required by any
2 applicable federal or state law or regulation to be dispensed on
3 prescription only or are restricted to use by practitioners only.

4 (7) "Controlled substance" means a drug or substance, or an
5 immediate precursor of such drug or substance, so designated under or
6 pursuant to the provisions of chapter 69.50 RCW.

7 (8) "Prescription" means an order for drugs or devices issued by a
8 practitioner duly authorized by law or rule in the state of Washington
9 to prescribe drugs or devices in the course of his or her professional
10 practice for a legitimate medical purpose.

11 (9) "Practitioner" means a physician, dentist, veterinarian, nurse,
12 or other person duly authorized by law or rule in the state of
13 Washington to prescribe drugs.

14 (10) "Pharmacist" means a person duly licensed by the Washington
15 state board of pharmacy to engage in the practice of pharmacy.

16 (11) "Practice of pharmacy" includes the practice of and
17 responsibility for: Interpreting prescription orders; the compounding,
18 dispensing, labeling, administering, and distributing of drugs and
19 devices; the monitoring of drug therapy and use; the initiating or
20 modifying of drug therapy in accordance with written guidelines or
21 protocols previously established and approved for his or her practice
22 by a practitioner authorized to prescribe drugs; the participating in
23 drug utilization reviews and drug product selection; the proper and
24 safe storing and distributing of drugs and devices and maintenance of
25 proper records thereof; the providing of information on legend drugs
26 which may include, but is not limited to, the advising of therapeutic
27 values, hazards, and the uses of drugs and devices.

28 (12) "Pharmacy" means every place properly licensed by the board of
29 pharmacy where the practice of pharmacy is conducted.

30 (13) The words "drug" and "devices" shall not include surgical or
31 dental instruments or laboratory materials, gas and oxygen, therapy
32 equipment, X-ray apparatus or therapeutic equipment, their component
33 parts or accessories, or equipment, instruments, apparatus, or
34 contrivances used to render such articles effective in medical,
35 surgical, or dental treatment, or for use or consumption in or for
36 mechanical, industrial, manufacturing, or scientific applications or
37 purposes, nor shall the word "drug" include any article or mixture

1 covered by the Washington pesticide control act (chapter 15.58 RCW), as
2 enacted or hereafter amended, nor medicated feed intended for and used
3 exclusively as a feed for animals other than ((~~man~~)) human beings.

4 (14) The word "poison" shall not include any article or mixture
5 covered by the Washington pesticide control act (chapter 15.58 RCW), as
6 enacted or hereafter amended.

7 (15) "Deliver" or "delivery" means the actual, constructive, or
8 attempted transfer from one person to another of a drug or device,
9 whether or not there is an agency relationship.

10 (16) "Dispense" means the interpretation of a prescription or order
11 for a drug, biological, or device and, pursuant to that prescription or
12 order, the proper selection, measuring, compounding, labeling, or
13 packaging necessary to prepare that prescription or order for delivery.

14 (17) "Distribute" means the delivery of a drug or device other than
15 by administering or dispensing.

16 (18) "Compounding" shall be the act of combining two or more
17 ingredients in the preparation of a prescription.

18 (19) "Wholesaler" shall mean a corporation, individual, or other
19 entity which buys drugs or devices for resale and distribution to
20 corporations, individuals, or entities other than consumers.

21 (20) "Manufacture" means the production, preparation, propagation,
22 compounding, or processing of a drug or other substance or device or
23 the packaging or repackaging of such substance or device, or the
24 labeling or relabeling of the commercial container of such substance or
25 device, but does not include the activities of a practitioner who, as
26 an incident to his or her administration or dispensing such substance
27 or device in the course of his or her professional practice, prepares,
28 compounds, packages, or labels such substance or device.

29 (21) "Manufacturer" shall mean a person, corporation, or other
30 entity engaged in the manufacture of drugs or devices.

31 (22) "Labeling" shall mean the process of preparing and affixing a
32 label to any drug or device container. The label must include all
33 information required by current federal and state law and pharmacy
34 rules.

35 (23) "Administer" means the direct application of a drug or device,
36 whether by injection, inhalation, ingestion, or any other means, to the
37 body of a patient or research subject.

1 (24) "Master license system" means the mechanism established by
2 chapter 19.02 RCW by which master licenses, endorsed for individual
3 state-issued licenses, are issued and renewed utilizing a master
4 application and a master license expiration date common to each
5 renewable license endorsement.

6 (25) "Department" means the department of health.

7 (26) "Secretary" means the secretary of health or the secretary's
8 designee.

9 (27) "Health care entity" means an organization that provides
10 health care services in a setting that is not otherwise licensed by the
11 state. Health care entity includes a free-standing outpatient surgery
12 center or a free-standing cardiac care center. It does not include an
13 individual practitioner's office or a multipractitioner clinic.

14 **Sec. 1009.** RCW 19.06.010 and 1961 c 56 s 1 are each amended to
15 read as follows:

16 Products made by blind persons and sold or distributed in this
17 state as blind made may bear a label affixed directly to the product
18 reading "MADE BY THE BLIND" and shall show the distributor's or
19 manufacturer's name. Any product bearing such label shall have been
20 made by blind people to the extent of at least seventy-five percent of
21 the ((man)) labor hours required for its manufacture. No other label,
22 trade name or sales device tending to create the impression that a
23 product is made by blind persons shall be used in connection with the
24 sale or distribution of such product unless the product shall have been
25 made by blind people to the extent of at least seventy-five percent of
26 the ((man)) labor hours required for its manufacture.

27 **Sec. 1010.** RCW 19.210.010 and 2001 c 160 s 1 are each amended to
28 read as follows:

29 The definitions in this section apply throughout this chapter
30 unless the context clearly requires otherwise.

31 (1)(a) "Unused property market" means any event:

32 (i) At which two or more persons offer personal property for sale
33 or exchange and at which (A) these persons are charged a fee for sale
34 or exchange of personal property or (B) prospective buyers are charged
35 a fee for admission to the area at which personal property is offered
36 or displayed for sale or exchange; or

1 (ii) Regardless of the number of persons offering or displaying
2 personal property or the absence of fees, at which personal property is
3 offered or displayed for sale or exchange if the event is held more
4 than six times in any twelve-month period.

5 (b) "Unused property market" is interchangeable with and applicable
6 to swap meet, indoor swap meet, flea market, or other similar terms,
7 regardless of whether these events are held inside a building or
8 outside in the open. The primary characteristic is that these
9 activities involve a series of sales sufficient in number, scope, and
10 character to constitute a regular course of business.

11 (c) "Unused property market" does not include:

12 (i) An event that is organized for the exclusive benefit of any
13 community chest, fund, foundation, association, or corporation
14 organized and operated for religious, educational, or charitable
15 purposes, provided that no part of any admission fee or parking fee
16 charged vendors or prospective purchasers or the gross receipts or net
17 earnings from the sale or exchange of personal property, whether in the
18 form of a percentage of the receipts or earnings, as salary, or
19 otherwise, inures to the benefit of any private shareholder or person
20 participating in the organization or conduct of the event; or

21 (ii) An event at which all of the personal property offered for
22 sale or displayed is new, and all persons selling or exchanging
23 personal property, or offering or displaying personal property for sale
24 or exchange, are manufacturers or authorized representatives of
25 manufacturers or distributors.

26 (2) "Unused property merchant" means any person, other than a
27 vendor or merchant with an established retail store in the county, who
28 transports an inventory of goods to a building, vacant lot, or other
29 unused property market location and who, at that location, displays the
30 goods for sale and sells the goods at retail or offers the goods for
31 sale at retail, except a person who offers five or fewer items of the
32 same new and unused merchandise for sale or exchange at an unused
33 property market.

34 (3) "Baby food" or "infant formula" means any food manufactured,
35 packaged, and labeled specifically for sale for consumption by a child
36 under the age of two years.

37 (4) "Nonprescription drug," which may also be referred to as an
38 over-the-counter drug, means any nonnarcotic medicine or drug that may

1 be sold without a prescription and is prepackaged for use by the
2 consumer, prepared by the manufacturer or producer for use by the
3 consumer, and required to be properly labeled and unadulterated in
4 accordance with the requirements of the state food and drug laws and
5 the federal food, drug, and cosmetic act. "Nonprescription drug" does
6 not include herbal products, dietary supplements, botanical extracts,
7 or vitamins.

8 (5) "Medical device" means any instrument, apparatus, implement,
9 machine, contrivance, implant, in vitro reagent, tool, or other similar
10 or related article, including any component part or accessory, which is
11 required under federal law to bear the label "caution: federal law
12 requires dispensing by or on the order of a physician"; or which is
13 defined by federal law as a medical device and is intended for use in
14 the diagnosis of disease or other conditions or in the cure,
15 mitigation, treatment, or prevention of disease in ((~~man~~)) human beings
16 or animals or is intended to affect the structure or any function of
17 the body of ((~~man~~)) human beings or animals, which does not achieve any
18 of its principal intended purposes through chemical action within or on
19 the body of ((~~man~~)) human beings or animals and which is not dependent
20 upon being metabolized for achievement of any of its principal intended
21 purposes.

22 **Sec. 1011.** RCW 38.04.020 and 1989 c 19 s 2 are each amended to
23 read as follows:

24 Whenever used in this title, the word "officer" shall be understood
25 to designate commissioned and warrant officers, and the words
26 ((~~"enlisted men" or~~)) "enlisted persons" shall be understood to
27 designate members of the organized militia of Washington other than
28 commissioned or warrant officers. The convictions and punishments
29 mentioned unless otherwise specifically designated, shall be understood
30 to be respectively convictions and punishments by military courts.

31 **Sec. 1012.** RCW 38.16.030 and 1991 c 43 s 3 are each amended to
32 read as follows:

33 The inactive national guard of this state shall respectively be
34 organized by the governor in regulations in conformance with the laws,
35 rules and regulations of the United States. It shall consist of such
36 organizations, officers and enlisted ((~~men~~)) persons as the governor

1 shall prescribe. No commissioned officer shall be transferred or
2 furloughed to the inactive national guard without the officer's written
3 consent, except as otherwise expressly provided by law. Any officer of
4 the inactive national guard may be restored to the active list by order
5 of the governor, subject to the same examination as in the case of an
6 original appointment to his or her rank, and in such event his or her
7 service in the inactive national guard shall not be counted in
8 computing total length of service for relative seniority.

9 **Sec. 1013.** RCW 49.24.140 and 1941 c 194 s 7 are each amended to
10 read as follows:

11 (1) Each bulkhead in tunnels of twelve feet or more in diameter or
12 equivalent area, shall have at least two locks in perfect working
13 condition, one of which shall be used as ((~~a man~~)) an air lock. An
14 additional lock for use in case of emergency shall be held in reserve.

15 (2) The ((~~man~~)) air lock shall be large enough so that those using
16 it are not compelled to be in a cramped position, and shall not be less
17 than five feet in height. Emergency locks shall be large enough to
18 hold an entire heading shift.

19 (3) All locks used for decompression shall be lighted by
20 electricity and shall contain a pressure gauge, a time piece, a glass
21 "bull's eye" in each door or in each end, and shall also have
22 facilities for heating.

23 (4) Valves shall be so arranged that the locks can be operated both
24 from within and from without.

25 **Sec. 1014.** RCW 49.24.150 and 1941 c 194 s 8 are each amended to
26 read as follows:

27 When locking explosives and detonators into the air chamber, they
28 shall be kept at opposite ends of the lock. While explosives and
29 detonators are being taken through, no ((~~men~~)) persons other than the
30 lock tender and the carriers shall be permitted in the lock.

31 **Sec. 1015.** RCW 49.24.220 and 1941 c 194 s 15 are each amended to
32 read as follows:

33 (1) No greater quantity of explosives than that which is required
34 for immediate use shall be taken into the working chamber.

35 (2) Explosives shall be conveyed in a suitable covered wooden box.

- 1 (3) Detonators shall be conveyed in a separate covered wooden box.
- 2 (4) Explosives and detonators shall be taken separately into the
3 caissons.
- 4 (5) After blasting is completed, all explosives and detonators
5 shall be returned at once to the magazine.
- 6 (6) No naked light shall be used in the vicinity of open chests or
7 magazines containing explosives, nor near where a charge is being
8 primed.
- 9 (7) No tools or other articles shall be carried with the explosives
10 or with the detonators.
- 11 (8) All power lines and electric light wires shall be disconnected
12 at a point outside the blasting switch before the loading of holes. No
13 current by grounding of power or bonded rails shall be allowed beyond
14 blasting switch after explosives are taken in preparatory to blasting,
15 and under no circumstances shall grounded current be used for exploding
16 blasts.
- 17 (9) Before drilling is commenced on any shift, all remaining holes
18 shall be examined with a wooden stick for unexploded charges or
19 cartridges, and if any are found, same shall be refired before work
20 proceeds.
- 21 (10) No person shall be allowed to deepen holes that have
22 previously contained explosives.
- 23 (11) All wires in broken rock shall be carefully traced and search
24 made for unexploded cartridges.
- 25 (12) Whenever blasting is being done in a tunnel, at points liable
26 to break through to where other (~~men~~) persons are at work, the
27 (~~foreman or~~) person in charge shall, before any holes are loaded,
28 give warning of danger to all persons that may be working where the
29 blasts may break through, and he or she shall not allow any holes to be
30 charged until warning is acknowledged and (~~men~~) persons are removed.
- 31 (13) Blasters when testing circuit through charged holes shall use
32 sufficient leading wires to be at a safe distance and shall use only
33 approved types of galvanometers. No tests of circuits in charged holes
34 shall be made until (~~men~~) persons are removed to safe distance.
- 35 (14) No blasts shall be fired with fuse, except electrically
36 ignited fuse, in vertical or steep shafts.
- 37 (15) In shaft sinking where the electric current is used for

1 firing, a separate switch not controlling any electric lights must be
2 used for blasting and proper safeguard similar to those in tunnels must
3 be followed in order to insure against premature firing.

4 **Sec. 1016.** RCW 62A.7-204 and 1981 c 13 s 1 are each amended to
5 read as follows:

6 (1) A ((~~warehouseman~~)) warehouse worker is liable for damages for
7 loss of or injury to the goods caused by his or her failure to exercise
8 such care in regard to them as a reasonably careful ((~~man~~)) person
9 would exercise under like circumstances but unless otherwise agreed he
10 or she is not liable for damages which could not have been avoided by
11 the exercise of such care.

12 (2) Damages may be limited by a term in the warehouse receipt or
13 storage agreement limiting the amount of liability in case of loss or
14 damage, and setting forth a specific liability per article or item, or
15 value per unit of weight, beyond which the ((~~warehouseman~~)) warehouse
16 worker shall not be liable; provided, however, that such liability may
17 on written request of the bailor at the time of signing such storage
18 agreement or within a reasonable time after receipt of the warehouse
19 receipt be increased on part or all of the goods thereunder, in which
20 event increased rates may be charged based on such increased valuation,
21 but that no such increase shall be permitted contrary to a lawful
22 limitation of liability contained in the ((~~warehouseman's~~)) warehouse
23 worker's tariff, if any. No such limitation is effective with respect
24 to the ((~~warehouseman's~~)) warehouse worker's liability for conversion
25 to his or her own use.

26 (3) Reasonable provisions as to the time and manner of presenting
27 claims and instituting actions based on the bailment may be included in
28 the warehouse receipt or tariff.

29 (4) This section does not impair or repeal the duties of care or
30 liabilities or penalties for breach thereof as provided in chapters
31 22.09 and 22.32 RCW.

32 **Sec. 1017.** RCW 62A.7-309 and 1965 ex.s. c 157 s 7-309 are each
33 amended to read as follows:

34 Save as otherwise provided in RCW 81.29.010 and 81.29.020

35 (1) A carrier who issues a bill of lading whether negotiable or

1 non-negotiable must exercise the degree of care in relation to the
2 goods which a reasonably careful ((~~man~~)) person would exercise under
3 like circumstances.

4 (2) Damages may be limited by a provision that the carrier's
5 liability shall not exceed a value stated in the document if the
6 carrier's rates are dependent upon value and the consignor by the
7 carrier's tariff is afforded an opportunity to declare a higher value
8 or a value as lawfully provided in the tariff, or where no tariff is
9 filed he or she is otherwise advised of such opportunity; but no such
10 limitation is effective with respect to the carrier's liability for
11 conversion to its own use.

12 (3) Reasonable provisions as to the time and manner of presenting
13 claims and instituting actions based on the shipment may be included in
14 a bill of lading or tariff.

15 **Sec. 1018.** RCW 69.04.009 and 1945 c 257 s 10 are each amended to
16 read as follows:

17 The term "drug" means (1) articles recognized in the official
18 United States pharmacopoeia, official homeopathic pharmacopoeia of the
19 United States, or official national formulary, or any supplement to any
20 of them; and (2) articles intended for use in the diagnosis, cure,
21 mitigation, treatment, or prevention of disease in ((~~man~~)) human beings
22 or other animals; and (3) articles (other than food) intended to affect
23 the structure or any function of the body of ((~~man~~)) human beings or
24 other animals; and (4) articles intended for use as a component of any
25 article specified in clause (1), (2), or (3); but does not include
26 devices or their components, parts, or accessories.

27 **Sec. 1019.** RCW 69.04.010 and 1945 c 257 s 11 are each amended to
28 read as follows:

29 The term "device" (except when used in RCW 69.04.016 and in RCW
30 69.04.040(10), 69.04.270, 69.04.690, and in RCW 69.04.470 as used in
31 the sentence "(as compared with other words, statements, designs, or
32 devices, in the labeling)") means instruments, apparatus, and
33 contrivances, including their components, parts and accessories,
34 intended (1) for use in the diagnosis, cure, mitigation, treatment, or
35 prevention of disease in ((~~man~~)) human beings or other animals; or (2)

1 to affect the structure or any function of the body of ((~~man~~)) human
2 beings or other animals.

3 **Sec. 1020.** RCW 69.04.024 and 1963 c 198 s 11 are each amended to
4 read as follows:

5 (1) The term "food additive" means any substance the intended use
6 of which results or may reasonably be expected to result, directly or
7 indirectly, in its becoming a component or otherwise affecting the
8 characteristics of any food (including any substance intended for use
9 in producing, manufacturing, packing, processing, preparing, treating,
10 packaging, transporting, or holding food; and including any source of
11 radiation intended for any such use), if such substance generally is
12 recognized, among experts qualified by scientific training and
13 experience to evaluate its safety, as having been adequately shown
14 through scientific procedures (or, in the case of a substance used in
15 food prior to January 1, 1958; through either scientific procedures or
16 experience based on common use in food) to be unsafe under the
17 conditions of its intended use; except that such term does not include;
18 (a) a pesticide chemical in or on a raw agricultural commodity; or (b)
19 a pesticide chemical to the extent that it is intended for use or is
20 used in the production, storage, or transportation of any raw
21 agricultural commodity; or (c) a color additive.

22 (2) The term "safe" as used in the food additive definition has
23 reference to the health of ((~~man~~)) human beings or animals.

24 **Sec. 1021.** RCW 69.04.394 and 1975 1st ex.s. c 7 s 27 are each
25 amended to read as follows:

26 (1) A food additive shall, with respect to any particular use or
27 intended use of such additives, be deemed unsafe for the purpose of the
28 application of clause (2)(c) of RCW 69.04.210, unless:

29 (a) It and its use or intended use conform to the terms of an
30 exemption granted, pursuant to a regulation under subsection (2) hereof
31 providing for the exemption from the requirements of this section for
32 any food additive, and any food bearing or containing such additive,
33 intended solely for investigational use by qualified experts when in
34 the director's opinion such exemption is consistent with the public
35 health; or

1 (b) There is in effect, and it and its use or intended use are in
2 conformity with a regulation issued or effective under subsection (2)
3 hereof prescribing the conditions under which such additive may be
4 safely used.

5 While such a regulation relating to a food additive is in effect,
6 a food shall not, by reason of bearing or containing such an additive
7 in accordance with the regulation, be considered adulterated within the
8 meaning of clause (1) of RCW 69.04.210.

9 (2) The regulations promulgated under section 409 of the Federal
10 Food, Drug and Cosmetic Act, as of July 1, 1975, prescribing the
11 conditions under which such food additive may be safely used, are
12 hereby adopted as the regulations applicable to this chapter:
13 PROVIDED, That the director is hereby authorized to adopt by regulation
14 any new or future amendments to the federal regulations. The director
15 is also authorized to issue regulations in the absence of federal
16 regulations and to prescribe the conditions under which a food additive
17 may be safely used and exemptions where such food additive is to be
18 used solely for investigational purposes; either upon his or her own
19 motion or upon the petition of any interested party requesting that
20 such a regulation be established. It shall be incumbent upon such
21 petitioner to establish, by data submitted to the director, that a
22 necessity exists for such regulation and that the effect of such a
23 regulation will not be detrimental to the public health. If the data
24 furnished by the petitioner is not sufficient to allow the director to
25 determine whether such a regulation should be promulgated, the director
26 may require additional data to be submitted and failure to comply with
27 this request shall be sufficient grounds to deny the request of the
28 petitioner for the issuance of such a regulation.

29 (3) In adopting any new or amended regulations pursuant to this
30 section, the director shall give appropriate consideration, among other
31 relevant factors, to the following: (a) The purpose of this chapter
32 being to promote uniformity of state legislation with the federal act;
33 (b) the probable consumption of the additive and of any substance
34 formed in or on food because of the use of the additive; (c) the
35 cumulative effect of such additive in the diet of (~~man~~) human beings
36 or animals, taking into account any chemically or pharmacologically
37 related substance or substances in such diet; and (d) safety factors

1 which in the opinion of experts qualified by scientific training and
2 experience to evaluate the safety of food additives are generally
3 recognized as appropriate for the use of animal experimentation data.

4 **Sec. 1022.** RCW 69.04.396 and 1975 1st ex.s. c 7 s 28 are each
5 amended to read as follows:

6 (1) A color additive shall, with respect to any particular use (for
7 which it is being used or intended to be used or is represented as
8 suitable) in or on food, be deemed unsafe for the purpose of the
9 application of RCW 69.04.231, unless:

10 (a) There is in effect, and such color additive and such use are in
11 conformity with, a regulation issued under this section listing such
12 additive for such use, including any provision of such regulation
13 prescribing the conditions under which such additive may be safely
14 used;

15 (b) Such additive and such use thereof conform to the terms of an
16 exemption for experimental use which is in effect pursuant to
17 regulation under this section.

18 While there are in effect regulations under this section relating
19 to a color additive or an exemption with respect to such additive a
20 food shall not, by reason of bearing or containing such additive in all
21 respects in accordance with such regulations or such exemption, be
22 considered adulterated within the meaning of clause (1) of RCW
23 69.04.210.

24 (2) The regulations promulgated under section 706 of the Federal
25 Food, Drug and Cosmetic Act, as of July 1, 1975, prescribing the use or
26 limited use of such color additive, are hereby adopted as the
27 regulations applicable to this chapter: PROVIDED, That the director is
28 hereby authorized to adopt by regulation any new or future amendments
29 to the federal regulations. The director is also authorized to issue
30 regulations in the absence of federal regulations and to prescribe
31 therein the conditions under which a color additive may be safely used
32 including exemptions for experimental purposes. Such a regulation may
33 be issued either upon the director's own motion or upon the petition of
34 any interested party requesting that such a regulation be established.
35 It shall be incumbent upon such petitioner to establish, by data
36 submitted to the director, that a necessity exists for such regulation
37 and that the effect of such a regulation will not be detrimental to the

1 public health. If the data furnished by the petitioner is not
2 sufficient to allow the director to determine whether such a regulation
3 should be promulgated, the director may require additional data to be
4 submitted and failure to comply with this request shall be sufficient
5 grounds to deny the request of the petitioner for the issuance of such
6 a regulation.

7 (3) In adopting any new or amended regulations pursuant to this
8 section, the director shall give appropriate consideration, among other
9 relevant factors, to the following: (a) The purpose of this chapter
10 being to promote uniformity of state legislation with the federal act;
11 (b) the probable consumption of, or other relevant exposure from, the
12 additive and of any substance formed in or on food because of the use
13 of the additive; (c) the cumulative effect, if any, of such additive in
14 the diet of ((~~man~~)) human beings or animals, taking into account the
15 same or any chemically or pharmacologically related substance or
16 substances in such diet; (d) safety factors which, in the opinion of
17 experts qualified by scientific training and experience to evaluate the
18 safety of color additives for the use or uses for which the additive is
19 proposed to be listed, are generally recognized as appropriate for the
20 use of animal experimentation data; (e) the availability of any needed
21 practicable methods of analysis for determining the identity and
22 quantity of (i) the pure dye and all intermediates and other impurities
23 contained in such color additives, (ii) such additive in or on any
24 article of food, and (iii) any substance formed in or on such article
25 because of the use of such additive; and (f) the conformity by the
26 manufacturer with the established standards in the industry relating to
27 the proper formation of such color additive so as to result in a
28 finished product safe for use as a color additive.

29 **Sec. 1023.** RCW 69.04.480 and 1945 c 257 s 66 are each amended to
30 read as follows:

31 A drug or device shall be deemed to be misbranded if it is for use
32 by ((~~man~~)) human beings and contains any quantity of the narcotic or
33 hypnotic substance alpha eucaine, barbituric acid, beta eucaine,
34 bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin,
35 marijuana, morphine, opium, paraldehyde, peyote, or sulphomethane; or
36 any chemical derivative of such substance, which derivative has been
37 designated as habit forming by regulations promulgated under section

1 502(d) of the federal act; unless its label bears the name and quantity
2 or proportion of such substance or derivative and in juxtaposition
3 therewith the statement "Warning--May be habit forming."

4 **Sec. 1024.** RCW 69.41.010 and 2006 c 8 s 115 are each amended to
5 read as follows:

6 As used in this chapter, the following terms have the meanings
7 indicated unless the context clearly requires otherwise:

8 (1) "Administer" means the direct application of a legend drug
9 whether by injection, inhalation, ingestion, or any other means, to the
10 body of a patient or research subject by:

11 (a) A practitioner; or

12 (b) The patient or research subject at the direction of the
13 practitioner.

14 (2) "Community-based care settings" include: Community residential
15 programs for the developmentally disabled, certified by the department
16 of social and health services under chapter 71A.12 RCW; adult family
17 homes licensed under chapter 70.128 RCW; and boarding homes licensed
18 under chapter 18.20 RCW. Community-based care settings do not include
19 acute care or skilled nursing facilities.

20 (3) "Deliver" or "delivery" means the actual, constructive, or
21 attempted transfer from one person to another of a legend drug, whether
22 or not there is an agency relationship.

23 (4) "Department" means the department of health.

24 (5) "Dispense" means the interpretation of a prescription or order
25 for a legend drug and, pursuant to that prescription or order, the
26 proper selection, measuring, compounding, labeling, or packaging
27 necessary to prepare that prescription or order for delivery.

28 (6) "Dispenser" means a practitioner who dispenses.

29 (7) "Distribute" means to deliver other than by administering or
30 dispensing a legend drug.

31 (8) "Distributor" means a person who distributes.

32 (9) "Drug" means:

33 (a) Substances recognized as drugs in the official United States
34 pharmacopoeia, official homeopathic pharmacopoeia of the United States,
35 or official national formulary, or any supplement to any of them;

36 (b) Substances intended for use in the diagnosis, cure, mitigation,
37 treatment, or prevention of disease in ((man)) human beings or animals;

1 (c) Substances (other than food, minerals or vitamins) intended to
2 affect the structure or any function of the body of ((~~man~~)) human
3 beings or animals; and

4 (d) Substances intended for use as a component of any article
5 specified in (a), (b), or (c) of this subsection. It does not include
6 devices or their components, parts, or accessories.

7 (10) "Electronic communication of prescription information" means
8 the communication of prescription information by computer, or the
9 transmission of an exact visual image of a prescription by facsimile,
10 or other electronic means for original prescription information or
11 prescription refill information for a legend drug between an authorized
12 practitioner and a pharmacy or the transfer of prescription information
13 for a legend drug from one pharmacy to another pharmacy.

14 (11) "In-home care settings" include an individual's place of
15 temporary and permanent residence, but does not include acute care or
16 skilled nursing facilities, and does not include community-based care
17 settings.

18 (12) "Legend drugs" means any drugs which are required by state law
19 or regulation of the state board of pharmacy to be dispensed on
20 prescription only or are restricted to use by practitioners only.

21 (13) "Legible prescription" means a prescription or medication
22 order issued by a practitioner that is capable of being read and
23 understood by the pharmacist filling the prescription or the nurse or
24 other practitioner implementing the medication order. A prescription
25 must be hand printed, typewritten, or electronically generated.

26 (14) "Medication assistance" means assistance rendered by a
27 nonpractitioner to an individual residing in a community-based care
28 setting or in-home care setting to facilitate the individual's self-
29 administration of a legend drug or controlled substance. It includes
30 reminding or coaching the individual, handing the medication container
31 to the individual, opening the individual's medication container, using
32 an enabler, or placing the medication in the individual's hand, and
33 such other means of medication assistance as defined by rule adopted by
34 the department. A nonpractitioner may help in the preparation of
35 legend drugs or controlled substances for self-administration where a
36 practitioner has determined and communicated orally or by written
37 direction that such medication preparation assistance is necessary and

1 appropriate. Medication assistance shall not include assistance with
2 intravenous medications or injectable medications, except prefilled
3 insulin syringes.

4 (15) "Person" means individual, corporation, government or
5 governmental subdivision or agency, business trust, estate, trust,
6 partnership or association, or any other legal entity.

7 (16) "Practitioner" means:

8 (a) A physician under chapter 18.71 RCW, an osteopathic physician
9 or an osteopathic physician and surgeon under chapter 18.57 RCW, a
10 dentist under chapter 18.32 RCW, a podiatric physician and surgeon
11 under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a
12 registered nurse, advanced registered nurse practitioner, or licensed
13 practical nurse under chapter 18.79 RCW, an optometrist under chapter
14 18.53 RCW who is certified by the optometry board under RCW 18.53.010,
15 an osteopathic physician assistant under chapter 18.57A RCW, a
16 physician assistant under chapter 18.71A RCW, a naturopath licensed
17 under chapter 18.36A RCW, a pharmacist under chapter 18.64 RCW, or,
18 when acting under the required supervision of a dentist licensed under
19 chapter 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW;

20 (b) A pharmacy, hospital, or other institution licensed,
21 registered, or otherwise permitted to distribute, dispense, conduct
22 research with respect to, or to administer a legend drug in the course
23 of professional practice or research in this state; and

24 (c) A physician licensed to practice medicine and surgery or a
25 physician licensed to practice osteopathic medicine and surgery in any
26 state, or province of Canada, which shares a common border with the
27 state of Washington.

28 (17) "Secretary" means the secretary of health or the secretary's
29 designee.

30 **Sec. 1025.** RCW 70.87.200 and 2003 c 143 s 20 are each amended to
31 read as follows:

32 (1) The provisions of this chapter do not apply where:

33 (a) A conveyance is permanently removed from service or made
34 effectively inoperative; or

35 (b) Lifts, (~~man~~) hoists for persons, or material hoists are
36 erected temporarily for use during construction work only and are of

1 such a design that they must be operated by a ((~~workman~~)) worker
2 stationed at the hoisting machine.

3 (2) Except as limited by RCW 70.87.050, municipalities having in
4 effect an elevator code prior to June 13, 1963 may continue to assume
5 jurisdiction over conveyance work and may inspect, issue permits,
6 collect fees, and prescribe minimum requirements for conveyance work
7 and operation if the requirements are equal to the requirements of this
8 chapter and to all rules pertaining to conveyances adopted and
9 administered by the department. Upon the failure of a municipality
10 having jurisdiction over conveyances to carry out the provisions of
11 this chapter with regard to a conveyance, the department may assume
12 jurisdiction over the conveyance. If a municipality elects not to
13 maintain jurisdiction over certain conveyances located therein, it may
14 enter into a written agreement with the department transferring
15 exclusive jurisdiction of the conveyances to the department. The city
16 may not reassume jurisdiction after it enters into such an agreement
17 with the department.

18 **Sec. 1026.** RCW 70.104.020 and 1971 ex.s. c 41 s 2 are each amended
19 to read as follows:

20 For the purposes of this chapter pesticide means, but is not
21 limited to:

22 (1) Any substance or mixture of substances intended to prevent,
23 destroy, control, repel, or mitigate any insect, rodent, nematode,
24 snail, slug, fungus, weed and any other form of plant or animal life or
25 virus, except virus on or in a living ((~~man~~)) human being or other
26 animal, which is normally considered to be a pest or which the director
27 of agriculture may declare to be a pest; or

28 (2) Any substance or mixture of substances intended to be used as
29 a plant regulator, defoliant or desiccant; or

30 (3) Any spray adjuvant, such as a wetting agent, spreading agent,
31 deposit builder, adhesive, emulsifying agent, deflocculating agent,
32 water modifier, or similar agent with or without toxic properties of
33 its own intended to be used with any other pesticide as an aid to the
34 application or effect thereof, and sold in a package or container
35 separate from that of the pesticide with which it is to be used; or

36 (4) Any fungicide, rodenticide, herbicide, insecticide, and
37 nematocide.

1 **Sec. 1027.** RCW 70.105.010 and 1989 c 376 s 1 are each amended to
2 read as follows:

3 The words and phrases defined in this section shall have the
4 meanings indicated when used in this chapter unless the context clearly
5 requires otherwise.

6 (1) "Department" means the department of ecology.

7 (2) "Director" means the director of the department of ecology or
8 the director's designee.

9 (3) "Disposal site" means a geographical site in or upon which
10 hazardous wastes are disposed of in accordance with the provisions of
11 this chapter.

12 (4) "Dispose or disposal" means the discarding or abandoning of
13 hazardous wastes or the treatment, decontamination, or recycling of
14 such wastes once they have been discarded or abandoned.

15 (5) "Dangerous wastes" means any discarded, useless, unwanted, or
16 abandoned substances, including but not limited to certain pesticides,
17 or any residues or containers of such substances which are disposed of
18 in such quantity or concentration as to pose a substantial present or
19 potential hazard to human health, wildlife, or the environment because
20 such wastes or constituents or combinations of such wastes:

21 (a) Have short-lived, toxic properties that may cause death,
22 injury, or illness or have mutagenic, teratogenic, or carcinogenic
23 properties; or

24 (b) Are corrosive, explosive, flammable, or may generate pressure
25 through decomposition or other means.

26 (6) "Extremely hazardous waste" means any dangerous waste which

27 (a) will persist in a hazardous form for several years or more at
28 a disposal site and which in its persistent form

29 (i) presents a significant environmental hazard and may be
30 concentrated by living organisms through a food chain or may affect the
31 genetic make-up of ((~~man~~)) human beings or wildlife, and

32 (ii) is highly toxic to ((~~man~~)) human beings or wildlife

33 (b) if disposed of at a disposal site in such quantities as would
34 present an extreme hazard to ((~~man~~)) human beings or the environment.

35 (7) "Person" means any person, firm, association, county, public or
36 municipal or private corporation, agency, or other entity whatsoever.

37 (8) "Pesticide" shall have the meaning of the term as defined in
38 RCW 15.58.030 as now or hereafter amended.

1 (9) "Solid waste advisory committee" means the same advisory
2 committee as per RCW 70.95.040 through 70.95.070.

3 (10) "Designated zone facility" means any facility that requires an
4 interim or final status permit under rules adopted under this chapter
5 and that is not a preempted facility as defined in this section.

6 (11) "Facility" means all contiguous land and structures, other
7 appurtenances, and improvements on the land used for recycling,
8 storing, treating, incinerating, or disposing of hazardous waste.

9 (12) "Preempted facility" means any facility that includes as a
10 significant part of its activities any of the following operations:
11 (a) Landfill, (b) incineration, (c) land treatment, (d) surface
12 impoundment to be closed as a landfill, or (e) waste pile to be closed
13 as a landfill.

14 (13) "Hazardous household substances" means those substances
15 identified by the department as hazardous household substances in the
16 guidelines developed under RCW 70.105.220.

17 (14) "Hazardous substances" means any liquid, solid, gas, or
18 sludge, including any material, substance, product, commodity, or
19 waste, regardless of quantity, that exhibits any of the characteristics
20 or criteria of hazardous waste as described in rules adopted under this
21 chapter.

22 (15) "Hazardous waste" means and includes all dangerous and
23 extremely hazardous waste, including substances composed of both
24 radioactive and hazardous components.

25 (16) "Local government" means a city, town, or county.

26 (17) "Moderate-risk waste" means (a) any waste that exhibits any of
27 the properties of hazardous waste but is exempt from regulation under
28 this chapter solely because the waste is generated in quantities below
29 the threshold for regulation, and (b) any household wastes which are
30 generated from the disposal of substances identified by the department
31 as hazardous household substances.

32 (18) "Service charge" means an assessment imposed under RCW
33 70.105.280 against those facilities that store, treat, incinerate, or
34 dispose of dangerous or extremely hazardous waste that contains both a
35 nonradioactive hazardous component and a radioactive component.
36 Service charges shall also apply to facilities undergoing closure under
37 this chapter in those instances where closure entails the physical
38 characterization of remaining wastes which contain both a

1 nonradioactive hazardous component and a radioactive component or the
2 management of such wastes through treatment or removal, except any
3 commercial low-level radioactive waste facility.

4 **Sec. 1028.** RCW 77.55.011 and 2005 c 146 s 101 are each amended to
5 read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Bed" means the land below the ordinary high water lines of
9 state waters. This definition does not include irrigation ditches,
10 canals, storm water runoff devices, or other artificial watercourses
11 except where they exist in a natural watercourse that has been altered
12 (~~by man~~) artificially.

13 (2) "Board" means the hydraulic appeals board created in RCW
14 77.55.301.

15 (3) "Commission" means the state fish and wildlife commission.

16 (4) "Department" means the department of fish and wildlife.

17 (5) "Director" means the director of the department of fish and
18 wildlife.

19 (6) "Emergency" means an immediate threat to life, the public,
20 property, or of environmental degradation.

21 (7) "Hydraulic project" means the construction or performance of
22 work that will use, divert, obstruct, or change the natural flow or bed
23 of any of the salt or freshwaters of the state.

24 (8) "Imminent danger" means a threat by weather, water flow, or
25 other natural conditions that is likely to occur within sixty days of
26 a request for a permit application.

27 (9) "Marina" means a public or private facility providing boat
28 moorage space, fuel, or commercial services. Commercial services
29 include but are not limited to overnight or live-aboard boating
30 accommodations.

31 (10) "Marine terminal" means a public or private commercial wharf
32 located in the navigable water of the state and used, or intended to be
33 used, as a port or facility for the storing, handling, transferring, or
34 transporting of goods to and from vessels.

35 (11) "Ordinary high water line" means the mark on the shores of all
36 water that will be found by examining the bed and banks and
37 ascertaining where the presence and action of waters are so common and

1 usual, and so long continued in ordinary years as to mark upon the soil
2 or vegetation a character distinct from the abutting upland. Provided,
3 that in any area where the ordinary high water line cannot be found,
4 the ordinary high water line adjoining saltwater is the line of mean
5 higher high water and the ordinary high water line adjoining fresh
6 water is the elevation of the mean annual flood.

7 (12) "Permit" means a hydraulic project approval permit issued
8 under this chapter.

9 (13) "Sandbars" includes, but is not limited to, sand, gravel,
10 rock, silt, and sediments.

11 (14) "Small scale prospecting and mining" means the use of only the
12 following methods: Pans; nonmotorized sluice boxes; concentrators; and
13 minirocker boxes for the discovery and recovery of minerals.

14 (15) "Spartina," "purple loosestrife," and "aquatic noxious weeds"
15 have the same meanings as defined in RCW 17.26.020.

16 (16) "Streambank stabilization" means those projects that prevent
17 or limit erosion, slippage, and mass wasting. These projects include,
18 but are not limited to, bank resloping, log and debris relocation or
19 removal, planting of woody vegetation, bank protection using rock or
20 woody material or placement of jetties or groins, gravel removal, or
21 erosion control.

22 (17) "Tide gate" means a one-way check valve that prevents the
23 backflow of tidal water.

24 (18) "Waters of the state" and "state waters" means all salt and
25 fresh waters waterward of the ordinary high water line and within the
26 territorial boundary of the state.

27 **Sec. 1029.** RCW 79A.05.600 and 1967 c 120 s 1 are each amended to
28 read as follows:

29 The beaches bounding the Pacific Ocean from the Straits of Juan de
30 Fuca to Cape Disappointment at the mouth of the Columbia River
31 constitute some of the last unspoiled seashore remaining in the United
32 States. They provide the public with almost unlimited opportunities
33 for recreational activities, like swimming, surfing and hiking; for
34 outdoor sports, like hunting, fishing, clamming, and boating; for the
35 observation of nature as it existed for hundreds of years before the
36 arrival of (~~white men~~) Europeans; and for relaxation away from the
37 pressures and tensions of modern life. In past years, these

1 recreational activities have been enjoyed by countless Washington
2 citizens, as well as by tourists from other states and countries. The
3 number of people wishing to participate in such recreational activities
4 grows annually. This increasing public pressure makes it necessary
5 that the state dedicate the use of the ocean beaches to public
6 recreation and to provide certain recreational and sanitary facilities.
7 Nonrecreational use of the beach must be strictly limited. Even
8 recreational uses must be regulated in order that Washington's
9 unrivaled seashore may be saved for our children in much the same form
10 as we know it today.

11 **Sec. 1030.** RCW 81.40.080 and 2003 c 53 s 389 are each amended to
12 read as follows:

13 (1) It shall be unlawful for any railroad company, corporation,
14 association or other person owning, controlling or operating any line
15 of railroad in the state of Washington, to build, construct,
16 reconstruct, or repair railroad car equipment or motive power in this
17 state without first erecting and maintaining at every point where five
18 employees or more are regularly employed on such work, a shed over a
19 sufficient portion of the tracks used for such work, so as to provide
20 that all (~~men~~) persons regularly employed in such work shall be
21 sheltered and protected from rain and other inclement weather:
22 PROVIDED, That the provisions of this section shall not apply at points
23 where it is necessary to make light repairs only on equipment or motive
24 power, nor to equipment loaded with time or perishable freight, nor to
25 equipment when trains are being held for the movement of equipment, nor
26 to equipment on tracks where trains arrive or depart or are assembled
27 or made up for departure. The term "light repairs," as herein used,
28 shall not include repairs usually made in roundhouse, shop or shed upon
29 well equipped railroads.

30 (2) Any railroad company or officer or agent thereof, or any other
31 person, who violates this section by failing or refusing to comply with
32 its provisions is guilty of a misdemeanor, and each day's failure or
33 refusal to comply shall be considered a separate offense.

34 **Sec. 1031.** RCW 81.48.050 and 1961 c 14 s 81.48.050 are each
35 amended to read as follows:

36 All railroads and street railroads, operating in this state shall

1 cause their trains and cars to come to a full stop at a distance not
2 greater than five hundred feet before crossing the tracks of another
3 railroad crossing at grade, excepting at crossings where there are
4 established signal towers, and signal (~~men~~) operators, interlocking
5 plants or gates.

6 **Sec. 1032.** RCW 81.64.090 and 2003 c 53 s 396 are each amended to
7 read as follows:

8 (1) Street railway or streetcar companies, or streetcar
9 corporations, shall employ none but competent (~~men~~) persons to
10 operate or assist as conductors, (~~motormen~~) motor operators, or
11 (~~gripmen~~) grip operators upon any street railway, or streetcar line
12 in this state.

13 (2) A person shall be deemed competent to operate or assist in
14 operating cars or (dummies) usually used by street railway or streetcar
15 companies, or corporations, only after first having served at least
16 three days under personal instruction of a regularly employed
17 conductor, (~~motorman~~) motor operator, or (~~gripman~~) grip operator on
18 a car or dummy in actual service on the particular street railway or
19 streetcar line for which the service of an additional person or
20 additional persons may be required: PROVIDED, That during a strike on
21 the streetcar lines the railway companies may employ competent persons
22 who have not worked three days on the particular streetcar line.

23 (3) Any violation of this section by the president, secretary,
24 manager, superintendent, assistant superintendent, stockholder, or
25 other officer or employee of any company or corporation owning or
26 operating any street railway or streetcar line or any receiver of
27 street railway or streetcar company, or street railway or streetcar
28 corporations appointed by any court within this state to operate such
29 car line is a misdemeanor punishable by a fine in any amount not less
30 than fifty dollars nor more than two hundred dollars, or imprisonment
31 in the county jail for a term of thirty days, or both such fine and
32 imprisonment at the discretion of the court.

33 **Sec. 1033.** RCW 82.75.010 and 2006 c 178 s 2 are each amended to
34 read as follows:

35 Unless the context clearly requires otherwise, the definitions in
36 this section apply throughout this chapter.

1 (1) "Applicant" means a person applying for a tax deferral under
2 this chapter.

3 (2) "Biotechnology" means a technology based on the science of
4 biology, microbiology, molecular biology, cellular biology,
5 biochemistry, or biophysics, or any combination of these, and includes,
6 but is not limited to, recombinant DNA techniques, genetics and genetic
7 engineering, cell fusion techniques, and new bioprocesses, using living
8 organisms, or parts of organisms.

9 (3) "Biotechnology product" means any virus, therapeutic serum,
10 antibody, protein, toxin, antitoxin, vaccine, blood, blood component or
11 derivative, allergenic product, or analogous product produced through
12 the application of biotechnology that is used in the prevention,
13 treatment, or cure of diseases or injuries to humans.

14 (4) "Department" means the department of revenue.

15 (5)(a) "Eligible investment project" means an investment in
16 qualified buildings or qualified machinery and equipment, including
17 labor and services rendered in the planning, installation, and
18 construction of the project.

19 (b) The lessor or owner of a qualified building is not eligible for
20 a deferral unless:

21 (i) The underlying ownership of the buildings, machinery, and
22 equipment vests exclusively in the same person; or

23 (ii)(A) The lessor by written contract agrees to pass the economic
24 benefit of the deferral to the lessee;

25 (B) The lessee that receives the economic benefit of the deferral
26 agrees in writing with the department to complete the annual survey
27 required under RCW 82.32.645; and

28 (C) The economic benefit of the deferral passed to the lessee is no
29 less than the amount of tax deferred by the lessor and is evidenced by
30 written documentation of any type of payment, credit, or other
31 financial arrangement between the lessor or owner of the qualified
32 building and the lessee.

33 (6)(a) "Initiation of construction" means the date that a building
34 permit is issued under the building code adopted under RCW 19.27.031
35 for:

36 (i) Construction of the qualified building, if the underlying
37 ownership of the building vests exclusively with the person receiving
38 the economic benefit of the deferral;

1 (ii) Construction of the qualified building, if the economic
2 benefits of the deferral are passed to a lessee as provided in
3 subsection (5)(b)(ii)(A) of this section; or

4 (iii) Tenant improvements for a qualified building, if the economic
5 benefits of the deferral are passed to a lessee as provided in
6 subsection (5)(b)(ii)(A) of this section.

7 (b) "Initiation of construction" does not include soil testing,
8 site clearing and grading, site preparation, or any other related
9 activities that are initiated before the issuance of a building permit
10 for the construction of the foundation of the building.

11 (c) If the investment project is a phased project, "initiation of
12 construction" shall apply separately to each phase.

13 (7) "Manufacturing" has the meaning provided in RCW 82.04.120.

14 (8) "Medical device" means an instrument, apparatus, implement,
15 machine, contrivance, implant, in vitro reagent, or other similar or
16 related article, including any component, part, or accessory, that is
17 designed or developed and:

18 (a) Recognized in the national formulary, or the United States
19 pharmacopeia, or any supplement to them;

20 (b) Intended for use in the diagnosis of disease, or in the cure,
21 mitigation, treatment, or prevention of disease or other conditions in
22 human beings or other animals; or

23 (c) Intended to affect the structure or any function of the body of
24 ((~~man~~)) human beings or other animals, and which does not achieve any
25 of its primary intended purposes through chemical action within or on
26 the body of ((~~man~~)) human beings or other animals and which is not
27 dependent upon being metabolized for the achievement of any of its
28 principal intended purposes.

29 (9) "Person" has the meaning provided in RCW 82.04.030.

30 (10) "Qualified buildings" means construction of new structures,
31 and expansion or renovation of existing structures for the purpose of
32 increasing floor space or production capacity used for biotechnology
33 product manufacturing or medical device manufacturing activities,
34 including plant offices, commercial laboratories for process
35 development, quality assurance and quality control, and warehouses or
36 other facilities for the storage of raw material or finished goods if
37 the facilities are an essential or an integral part of a factory,
38 plant, or laboratory used for biotechnology product manufacturing or

1 medical device manufacturing. If a building is used partly for
2 biotechnology product manufacturing or medical device manufacturing and
3 partly for other purposes, the applicable tax deferral shall be
4 determined by apportionment of the costs of construction under rules
5 adopted by the department.

6 (11) "Qualified machinery and equipment" means all new industrial
7 and research fixtures, equipment, and support facilities that are an
8 integral and necessary part of a biotechnology product manufacturing or
9 medical device manufacturing operation. "Qualified machinery and
10 equipment" includes: Computers; software; data processing equipment;
11 laboratory equipment; manufacturing components such as belts, pulleys,
12 shafts, and moving parts; molds, tools, and dies; operating structures;
13 and all equipment used to control or operate the machinery.

14 (12) "Recipient" means a person receiving a tax deferral under this
15 chapter.

16 **Sec. 1034.** RCW 84.36.260 and 1979 ex.s. c 193 s 1 are each amended
17 to read as follows:

18 All real property interests, including fee simple or any lesser
19 interest, development rights, easements, covenants and conservation
20 futures, as that latter term is defined in RCW 84.34.220 as now or
21 hereafter amended, used exclusively for the conservation of ecological
22 systems, natural resources, or open space, including park lands, held
23 by any nonprofit corporation or association the primary purpose of
24 which is the conducting or facilitating of scientific research or the
25 conserving of natural resources or open space for the general public,
26 shall be exempt from ad valorem taxation if either of the following
27 conditions are met:

28 (1) To the extent feasible considering the nature of the property
29 interest involved, such property interests shall be used and
30 effectively dedicated primarily for the purpose of providing scientific
31 research or educational opportunities for the general public or the
32 preservation of native plants or animals, or biotic communities, or
33 works of ancient (~~man~~) human beings or geological or geographical
34 formations, of distinct scientific and educational interest, and not
35 for the pecuniary benefit of any person or company, as defined in RCW
36 82.04.030, and shall be open to the general public for educational and

1 scientific research purposes subject to reasonable restrictions
2 designed for its protection; or

3 (2) Such property interests shall be subject to an option, accepted
4 in writing by the state, a city or a county, or department of the
5 United States government, for the purchase thereof by the state, a city
6 or a county, or the United States, at a price not exceeding the lesser
7 of the following amounts: (a) The sum of the original purchase cost to
8 such nonprofit corporation or association plus interest from the date
9 of acquisition by such corporation or association at the rate of six
10 percent per annum compounded annually to the date of the exercise of
11 the option; or (b) the appraised value of the property at the time of
12 the granting of the option, as determined by the department of revenue
13 or when the option is held by the United States, or by an appropriate
14 agency thereof.

15 **Sec. 1035.** RCW 85.08.310 and 1921 c 157 s 5 are each amended to
16 read as follows:

17 The said board of supervisors shall, immediately upon their
18 election and qualification, begin the construction of such system of
19 improvement and shall proceed with the construction thereof in
20 accordance with the plans adopted therefor. In the construction of any
21 system of drainage, construction shall be begun at the outlet or
22 outlets thereof and at such other points as may be deemed advisable
23 from time to time. In the construction of any system of improvement
24 the board of supervisors with the approval of the board of county
25 commissioners may modify, curtail, enlarge or add to the original plans
26 wherever the same may be found necessary or advisable in the course of
27 actual construction. But such changes shall not in the aggregate
28 increase the estimated cost of the entire system by more than one-
29 fifth, and all additional or different rights-of-way required shall be
30 obtained as hereinbefore prescribed. The board of county commissioners
31 may in its discretion let the construction of said system or any
32 portion thereof by contract, in the manner provided for letting
33 contracts for the construction of county roads and bridges. The board
34 of county commissioners may, upon such terms as may be agreed upon by
35 the United States acting in pursuance of the National Reclamation Act
36 approved June 17, 1902 (32 Statutes at Large 388), and the acts
37 amendatory thereof and supplemental thereto, or in pursuance to any

1 other act of congress appropriate to the purpose, contract for the
2 construction of the system of improvement or any part thereof, by the
3 United States, or in cooperation with the United States therein. In
4 such case, no bond shall be required, and the work shall be done under
5 the supervision and control of the proper officers of the United
6 States.

7 Unless the work of construction is let by contract as hereinbefore
8 provided, or for such part of such work as is not covered by contract,
9 the board of supervisors shall employ such number of (~~men~~) persons as
10 shall be necessary to successfully carry on the work of such
11 construction, and shall give preference in such employment to persons
12 owning land to be benefited by the improvement.

13 The provisions of this section shall not be construed as denying to
14 the supervisors, in case the construction work is left in their hands,
15 the power to enter into an agreement with any contractor to furnish
16 labor, material, equipment and skilled supervision, the contractor to
17 be compensated upon the basis of a specific sum, or upon a percentage
18 of the cost of the work, the services of the contractor to cover the
19 use of equipment and the value of skilled supervision: PROVIDED,
20 HOWEVER, That there is retained in the said board by the contract the
21 right of termination thereof at any time, on reasonable notice, and
22 fixing in the said contract, or reserving in said board, the right to
23 fix the rates of wages to be paid to the (~~men~~) persons employed in
24 said work. The board of supervisors may also let contracts in such
25 manner and on such notice as they deem advisable for items of
26 construction not exceeding one thousand dollars in amount of
27 expenditures.

28 **PART II**

29 **Sec. 2001.** RCW 35.07.090 and 1965 c 7 s 35.07.090 are each amended
30 to read as follows:

31 Upon disincorporation of a city or town, its powers and privileges
32 as such, are surrendered to the state and it is absolved from any
33 further duty to the state or its own inhabitants and all the offices
34 appertaining thereto shall cease to exist immediately upon the entry of
35 the result: PROVIDED, That if a receiver is required, the officers
36 shall continue in the exercise of all their powers until a receiver has

1 qualified as such, and thereupon shall surrender to him or her all
2 property, money, vouchers, records and books of the city or town
3 including those in any manner pertaining to its business.

4 **Sec. 2002.** RCW 35.07.120 and 1965 c 7 s 35.07.120 are each amended
5 to read as follows:

6 The receiver must qualify within ten days after he or she has been
7 declared elected, by filing with the county auditor a bond equal in
8 penalty to the audited indebtedness and the established liabilities of
9 the city or town with sureties approved by the board of county
10 commissioners, or if the board is not in session, by the judge of the
11 superior court of the county. The bond shall run to the state and
12 shall be conditioned for the faithful performance of his or her duties
13 as receiver and the prompt payment in the order of their priority of
14 all lawful claims finally established as the funds come into his or her
15 hands to discharge them. The bond shall be filed with the county
16 auditor and shall be a public record and shall be for the benefit of
17 every person who may be injured by the receiver's failure to discharge
18 his or her duty.

19 **Sec. 2003.** RCW 35.07.130 and 1965 c 7 s 35.07.130 are each amended
20 to read as follows:

21 If the person elected receiver fails to qualify as such within the
22 prescribed time, the council shall file in the superior court of the
23 county a petition setting forth the fact of the election, its result
24 and the failure of the person elected receiver to qualify within the
25 prescribed time and praying for the appointment of another person as
26 receiver. Notice of the filing of the petition and of the time fixed
27 for hearing thereon must be served upon the person elected receiver at
28 least three days before the time fixed for the hearing. If he or she
29 cannot be found within the county, no notice need be served, and the
30 court may proceed with full jurisdiction to determine the matter upon
31 the hearing. Unless good cause to the contrary is shown, the court
32 shall appoint some suitable person to act as receiver, who shall
33 qualify as required by RCW 35.07.120 within ten days from the date of
34 his or her appointment.

35 If the council fails to procure the appointment of a receiver, any

1 person qualified to vote in the city or town may file such a petition
2 and make such application.

3 **Sec. 2004.** RCW 35.07.140 and 1965 c 7 s 35.07.140 are each amended
4 to read as follows:

5 If no receiver is elected upon the supposition that no indebtedness
6 existed and it transpires that the municipality does have indebtedness
7 or an outstanding liability, any interested person may file a petition
8 in the superior court asking for the appointment of a receiver, and
9 unless the indebtedness or liability is discharged, the court shall
10 appoint some suitable person to act as receiver who shall qualify as
11 required of any other receiver hereunder, within ten days from the date
12 of his or her appointment.

13 **Sec. 2005.** RCW 35.07.150 and 1965 c 7 s 35.07.150 are each amended
14 to read as follows:

15 The receiver, upon qualifying, shall take possession of all the
16 property, money, vouchers, records and books of the former municipality
17 including those in any manner pertaining to its business and proceed to
18 wind up its affairs. He or she shall have authority to pay:

19 (1) All outstanding warrants and bonds in the order of their
20 maturity with due regard to the fund on which they are properly a
21 charge;

22 (2) All lawful claims against the corporation which have been
23 audited and allowed by the council;

24 (3) All lawful claims which may be presented to him or her within
25 the time limited by law for the presentation of such claims, but no
26 claim shall be allowed or paid which is not presented within six months
27 from the date of the disincorporation election;

28 (4) All claims that by final adjudication may come to be
29 established as lawful claims against the corporation.

30 As between warrants, bonds and other claims, their priority shall
31 be determined with regard to the fund on which they are properly a
32 charge.

33 **Sec. 2006.** RCW 35.07.170 and 1965 c 7 s 35.07.170 are each amended
34 to read as follows:

35 The receiver shall be authorized to sell at public auction after

1 such public notice as the sheriff is required to give of like property
2 sold on execution, all the property of the former municipality except
3 such as is necessary for his or her use in winding up its affairs, and
4 excepting also such as has been dedicated to public use.

5 Personal property shall be sold for cash.

6 Real property may be sold for all cash, or for one-half cash and
7 the remainder in deferred payments, the last payment not to be later
8 than one year from date of sale. Title shall not pass until all
9 deferred payments have been fully paid.

10 **Sec. 2007.** RCW 35.07.190 and 1965 c 7 s 35.07.190 are each amended
11 to read as follows:

12 The receiver shall be entitled to deduct from any funds coming into
13 his or her hands a commission of six percent on the first thousand
14 dollars, five percent on the second thousand and four percent on any
15 amount over two thousand dollars as his or her full compensation
16 exclusive of necessary traveling expenses and necessary disbursements,
17 but not exclusive of attorney's fees.

18 **Sec. 2008.** RCW 35.07.200 and 1965 c 7 s 35.07.200 are each amended
19 to read as follows:

20 The receiver shall proceed to wind up the affairs of the
21 corporation with diligence and for negligence or misconduct in the
22 discharge of his or her duties may be removed by the superior court
23 upon a proper showing made by a taxpayer of the former city or town or
24 by an unsatisfied creditor thereof.

25 **Sec. 2009.** RCW 35.07.220 and 1965 c 7 s 35.07.220 are each amended
26 to read as follows:

27 Upon the final payment of all lawful demands against the former
28 city or town, the receiver shall file a final account, together with
29 all vouchers, with the clerk of the superior court. Any funds
30 remaining in his or her hands shall be paid to the county treasurer for
31 the use of the school district in which the former city or town was
32 situated; and thereupon the receivership shall be at an end.

33 **Sec. 2010.** RCW 35.13.171 and 1995 c 399 s 35 are each amended to
34 read as follows:

1 Within thirty days after the filing of a city's or town's
2 annexation resolution pursuant to RCW 35.13.015 with the board of
3 county commissioners or within thirty days after filing with the county
4 commissioners a petition calling for an election on annexation, as
5 provided in RCW 35.13.020, or within thirty days after approval by the
6 legislative body of a city or town of a petition of property owners
7 calling for annexation, as provided in RCW 35.13.130, the mayor of the
8 city or town concerned that is not subject to the jurisdiction of a
9 boundary review board under chapter 36.93 RCW, shall convene a review
10 board composed of the following persons:

11 (1) The mayor of the city or town initiating the annexation by
12 resolution, or the mayor in the event of a twenty percent annexation
13 petition pursuant to RCW 35.13.020, or an alternate designated by the
14 mayor;

15 (2) The ((~~chairman~~)) chair of the board of county commissioners of
16 the county wherein the property to be annexed is situated, or an
17 alternate designated by him or her;

18 (3) The director of community, trade, and economic development, or
19 an alternate designated by the director;

20 Two additional members to be designated, one by the mayor of the
21 annexing city, which member shall be a resident property owner of the
22 city, and one by the ((~~chairman~~)) chair of the county legislative
23 authority, which member shall be a resident of and a property owner or
24 a resident or a property owner if there be no resident property owner
25 in the area proposed to be annexed, shall be added to the original
26 membership and the full board thereafter convened upon call of the
27 mayor: PROVIDED FURTHER, That three members of the board shall
28 constitute a quorum.

29 **Sec. 2011.** RCW 35.13A.090 and 1999 c 153 s 32 are each amended to
30 read as follows:

31 Whenever a city acquires all of the facilities of a district,
32 pursuant to this chapter, such a city shall offer to employ every full
33 time employee of the district who is engaged in the operation of such
34 a district's facilities on the date on which such city acquires the
35 district facilities. When a city acquires any portion of the
36 facilities of such a district, such a city shall offer to employ full

1 time employees of the district as of the date of the acquisition of the
2 facilities of the district who are not longer needed by the district.

3 Whenever a city employs a person who was employed immediately prior
4 thereto by the district, arrangements shall be made:

5 (1) For the retention of all sick leave standing to the employee's
6 credit in the plan of such district.

7 (2) For a vacation with pay during the first year of employment
8 equivalent to that to which he or she would have been entitled if he or
9 she had remained in the employment of the district.

10 **Sec. 2012.** RCW 35.14.030 and 1967 c 73 s 3 are each amended to
11 read as follows:

12 Each community council shall be staffed by a deputy to the city
13 clerk of the city with which the service area is consolidated or
14 annexed and shall be provided with such other clerical and technical
15 assistance and a properly equipped office as may be necessary to carry
16 out its functions.

17 Each community council shall elect a (~~chairman~~) chair and vice
18 (~~chairman~~) chair from its membership. A majority of the council
19 shall constitute a quorum. Each action of the community municipal
20 corporation shall be by resolution approved by vote of the majority of
21 all the members of the community council. Meetings shall be held at
22 such times and places as provided in the rules of the community
23 council. Members of the community council shall receive no
24 compensation.

25 The necessary expenses of the community council shall be budgeted
26 and paid by the city.

27 **Sec. 2013.** RCW 35.14.060 and 1967 c 73 s 6 are each amended to
28 read as follows:

29 The original terms of existence of any community municipal
30 corporation shall be for at least four years and until the first Monday
31 in January next following a regular municipal election held in the
32 city.

33 Any such community municipal corporation may be continued
34 thereafter for additional periods of four years' duration with the
35 approval of the voters at an election held and conducted in the manner
36 provided for in this section.

1 Authorization for a community municipal corporation to continue its
2 term of existence for each additional period of four years may be
3 initiated pursuant to a resolution or a petition in the following
4 manner:

5 (1) A resolution praying for such continuation may be adopted by
6 the community council and shall be filed not less than seven months
7 prior to the end of the term of existence of such corporation with the
8 city council or other legislative body of the city in which the service
9 area is located.

10 (2) A petition for continuation shall be signed by at least ten
11 percent of the registered voters residing within the service area and
12 shall be filed not less than six months prior to the end of the term of
13 existence of such corporation with the city council or other
14 legislative body of the city in which the service area is located.

15 At the same election at which a proposition is submitted to the
16 voters of the service area for the continuation of the community
17 municipal corporation for an additional period of four years, the
18 community councilmembers of such municipal corporation shall be
19 elected. The positions on such council shall be the same in number as
20 the original or initial council and shall be numbered consecutively and
21 elected at large. Declarations of candidacy and withdrawals shall be
22 in the same manner as is provided for members of the city council or
23 other legislative body of the city.

24 Upon receipt of a petition, the city clerk shall examine the
25 signatures thereon and certify to the sufficiency thereof. No person
26 may withdraw his or her name from a petition after it has been filed.

27 Upon receipt of a valid resolution or upon duly certifying a
28 petition for continuation of a community municipal corporation, the
29 city clerk with whom the resolution or petition was filed shall cause
30 a proposition on continuation of the term of existence of the community
31 municipal corporation to be placed on the ballot at the next city
32 general election. No person shall be eligible to vote on such
33 proposition at such election unless he or she is a qualified voter and
34 resident of the service area.

35 The ballots shall contain the words "For continuation of community
36 municipal corporation" and "Against continuation of community municipal
37 corporation" or words equivalent thereto, and shall also contain the
38 names of the candidates to be voted for to fill the positions on the

1 community council. The names of all candidates to be voted upon shall
2 be printed on the ballot alphabetically in groups under the numbered
3 position on the council for which they are candidates.

4 If the results of the election as certified by the county
5 canvassing board reveal that a majority of the votes cast are for
6 continuation, the municipal corporation shall continue in existence for
7 an additional period of four years, and certificates of election shall
8 be issued to the successful candidates who shall assume office at the
9 same time as members of the city council or other legislative body of
10 the city.

11 **Sec. 2014.** RCW 35.17.060 and 1965 c 7 s 35.17.060 are each amended
12 to read as follows:

13 The mayor shall be president of the commission. He or she shall
14 preside at its meetings when present and shall oversee all departments
15 and recommend to the commission, action on all matters requiring
16 attention in any department.

17 **Sec. 2015.** RCW 35.17.070 and 1965 c 7 s 35.17.070 are each amended
18 to read as follows:

19 The commissioner of finance and accounting shall be vice president
20 of the commission. In the absence or inability of the mayor, he or she
21 shall perform the duties of president.

22 **Sec. 2016.** RCW 35.17.080 and 1965 c 7 s 35.17.080 are each amended
23 to read as follows:

24 The commission shall appoint by a majority vote a city clerk and
25 such other officers and employees as the commission may by ordinance
26 provide. Any officer or employee appointed by the commission may be
27 discharged at any time by vote of a majority of the members of the
28 commission. Any commissioner may perform any duties pertaining to his
29 or her department but without additional compensation therefor.

30 **Sec. 2017.** RCW 35.17.150 and 1965 c 7 s 35.17.150 are each amended
31 to read as follows:

32 No officer or employee, elected or appointed, shall receive from
33 any enterprise operating under a public franchise any frank, free
34 ticket, or free service or receive any service upon terms more

1 favorable than are granted to the public generally: PROVIDED, That the
2 provisions of this section shall not apply to free transportation
3 furnished to (~~(policemen)~~) police officers and (~~(firemen)~~) firefighters
4 in uniform nor to free service to city officials provided for in the
5 franchise itself.

6 Any violation of the provisions of this section shall be a
7 misdemeanor.

8 **Sec. 2018.** RCW 35.17.280 and 1965 c 7 s 35.17.280 are each amended
9 to read as follows:

10 Within ten days from the filing of a petition submitting a proposed
11 ordinance the city clerk shall ascertain and append to the petition his
12 or her certificate stating whether or not it is signed by a sufficient
13 number of registered voters, using the registration records and returns
14 of the preceding municipal election for his or her sources of
15 information, and the commission shall allow him or her extra help for
16 that purpose, if necessary. If the signatures are found by the clerk
17 to be insufficient the petition may be amended in that respect within
18 ten days from the date of the certificate. Within ten days after
19 submission of the amended petition the clerk shall make an examination
20 thereof and append his or her certificate thereto in the same manner as
21 before. If the second certificate shall also show the number of
22 signatures to be insufficient, the petition shall be returned to the
23 person filing it.

24 **Sec. 2019.** RCW 35.18.010 and 1965 c 7 s 35.18.010 are each amended
25 to read as follows:

26 Under the council-manager plan of city government, the
27 (~~(councilmen)~~) councilmembers shall be the only elective officials.
28 The council shall appoint an officer whose title shall be "city
29 manager" who shall be the chief executive officer and head of the
30 administrative branch of city or town government. The city manager
31 shall be responsible to the council for the proper administration of
32 all affairs of the city or town.

33 **Sec. 2020.** RCW 35.18.040 and 1965 c 7 s 35.18.040 are each amended
34 to read as follows:

35 The city manager need not be a resident. He or she shall be chosen

1 by the council solely on the basis of his or her executive and
2 administrative qualifications with special reference to his or her
3 actual experience in, or his or her knowledge of, accepted practice in
4 respect to the duties of his or her office. No person elected to
5 membership on the council shall be eligible for appointment as city
6 manager until one year has elapsed following the expiration of the term
7 for which he or she was elected.

8 **Sec. 2021.** RCW 35.18.050 and 1965 c 7 s 35.18.050 are each amended
9 to read as follows:

10 Before entering upon the duties of his or her office the city
11 manager shall take the official oath for the support of the government
12 and the faithful performance of his or her duties and shall execute and
13 file with the clerk of the council a bond in favor of the city or town
14 in such sum as may be fixed by the council.

15 **Sec. 2022.** RCW 35.18.060 and 1987 c 3 s 5 are each amended to read
16 as follows:

17 The powers and duties of the city manager shall be:

18 (1) To have general supervision over the administrative affairs of
19 the municipality;

20 (2) To appoint and remove at any time all department heads,
21 officers, and employees of the city or town, except members of the
22 council, and subject to the provisions of any applicable law, rule, or
23 regulation relating to civil service: PROVIDED, That the council may
24 provide for the appointment by the mayor, subject to confirmation by
25 the council, of the city planning commission, and other advisory
26 citizens' committees, commissions and boards advisory to the city
27 council: PROVIDED FURTHER, That the city manager shall appoint the
28 municipal judge to a term of four years, subject to confirmation by the
29 council. The municipal judge may be removed only on conviction of
30 malfeasance or misconduct in office, or because of physical or mental
31 disability rendering him or her incapable of performing the duties of
32 his or her office. The council may cause an audit to be made of any
33 department or office of the city or town government and may select the
34 persons to make it, without the advice or consent of the city manager;

35 (3) To attend all meetings of the council at which his or her
36 attendance may be required by that body;

1 (4) To see that all laws and ordinances are faithfully executed,
2 subject to the authority which the council may grant the mayor to
3 maintain law and order in times of emergency;

4 (5) To recommend for adoption by the council such measures as he or
5 she may deem necessary or expedient;

6 (6) To prepare and submit to the council such reports as may be
7 required by that body or as he or she may deem it advisable to submit;

8 (7) To keep the council fully advised of the financial condition of
9 the city or town and its future needs;

10 (8) To prepare and submit to the council a tentative budget for the
11 fiscal year;

12 (9) To perform such other duties as the council may determine by
13 ordinance or resolution.

14 **Sec. 2023.** RCW 35.18.070 and 1965 c 7 s 35.18.070 are each amended
15 to read as follows:

16 Whether the city manager shall devote his or her full time to the
17 affairs of one city or town shall be determined by the council. A city
18 manager may serve two or more cities or towns in that capacity at the
19 same time.

20 **Sec. 2024.** RCW 35.18.090 and 1965 c 7 s 35.18.090 are each amended
21 to read as follows:

22 The city manager may authorize the head of a department or office
23 responsible to him or her to appoint and remove subordinates in such
24 department or office. Any officer or employee who may be appointed by
25 the city manager, or by the head of a department or office, except one
26 who holds his or her position subject to civil service, may be removed
27 by the manager or other such appointing officer at any time. Subject
28 to the provisions of RCW 35.18.060, the decision of the manager or
29 other appointing officer, shall be final and there shall be no appeal
30 therefrom to any other office, body, or court whatsoever.

31 **Sec. 2025.** RCW 35.18.110 and 1965 c 7 s 35.18.110 are each amended
32 to read as follows:

33 Neither the council, nor any of its committees or members shall
34 direct or request the appointment of any person to, or his or her
35 removal from, office by the city manager or any of his or her

1 subordinates. Except for the purpose of inquiry, the council and its
2 members shall deal with the administrative service solely through the
3 manager and neither the council nor any committee or member thereof
4 shall give orders to any subordinate of the city manager, either
5 publicly or privately: PROVIDED, HOWEVER, That nothing herein shall be
6 construed to prohibit the council, while in open session, from fully
7 and freely discussing with the city manager anything pertaining to
8 appointments and removals of city officers and employees and city
9 affairs.

10 **Sec. 2026.** RCW 35.18.120 and 1965 c 7 s 35.18.120 are each amended
11 to read as follows:

12 The city manager shall be appointed for an indefinite term and may
13 be removed by a majority vote of the council.

14 At least thirty days before the effective date of his or her
15 removal, the city manager must be furnished with a formal statement in
16 the form of a resolution passed by a majority vote of the city council
17 stating the council's intention to remove him or her and the reasons
18 therefor. Upon passage of the resolution stating the council's
19 intention to remove the manager, the council by a similar vote may
20 suspend him or her from duty, but his or her pay shall continue until
21 his or her removal becomes effective.

22 **Sec. 2027.** RCW 35.18.130 and 1965 c 7 s 35.18.130 are each amended
23 to read as follows:

24 The city manager may, within thirty days from the date of service
25 upon him or her of a copy thereof, reply in writing to the resolution
26 stating the council's intention to remove him or her. In the event no
27 reply is timely filed, the resolution shall upon the thirty-first day
28 from the date of such service, constitute the final resolution removing
29 the manager, and his or her services shall terminate upon that day. If
30 a reply shall be timely filed with its clerk, the council shall fix a
31 time for a public hearing upon the question of the manager's removal
32 and a final resolution removing the manager shall not be adopted until
33 a public hearing has been had. The action of the council in removing
34 the manager shall be final.

1 **Sec. 2028.** RCW 35.18.150 and 1965 c 7 s 35.18.150 are each amended
2 to read as follows:

3 Only a qualified elector of the city or town may be a member of the
4 council and upon ceasing to be such, or upon being convicted of a crime
5 involving moral turpitude, or of violating the provisions of RCW
6 35.18.110, he or she shall immediately forfeit his or her office.

7 **Sec. 2029.** RCW 35.18.170 and 1965 c 7 s 35.18.170 are each amended
8 to read as follows:

9 The council shall meet at the times and places fixed by ordinance
10 but must hold at least one regular meeting each month. The clerk shall
11 call special meetings of the council upon request of the mayor or any
12 two members. At all meetings of the city council, a majority of the
13 (~~councilmen~~) councilmembers shall constitute a quorum for the
14 transaction of business, but a less number may adjourn from time to
15 time and may compel the attendance of absent members in such manner and
16 under such penalties as may be prescribed by ordinance. Requests for
17 special meetings shall state the subject to be considered and no other
18 subject shall be considered at a special meeting.

19 All meetings of the council and of committees thereof shall be open
20 to the public and the rules of the council shall provide that citizens
21 of the city or town shall have a reasonable opportunity to be heard at
22 any meetings in regard to any matter being considered thereat.

23 **Sec. 2030.** RCW 35.18.180 and 1965 c 7 s 35.18.180 are each amended
24 to read as follows:

25 No ordinance, resolution, or order, including those granting a
26 franchise or valuable privilege, shall have any validity or effect
27 unless passed by the affirmative vote of at least a majority of the
28 members of the city or town council. Every ordinance or resolution
29 adopted shall be signed by the mayor or two members, filed with the
30 clerk within two days and by him or her recorded.

31 **Sec. 2031.** RCW 35.18.190 and 1969 c 101 s 1 are each amended to
32 read as follows:

33 Biennially at the first meeting of the new council the members
34 thereof shall choose a (~~chairman~~) chair from among their number who
35 shall have the title of mayor. In addition to the powers conferred

1 upon him or her as mayor, he or she shall continue to have all the
2 rights, privileges and immunities of a member of the council. If a
3 vacancy occurs in the office of mayor, the members of the council at
4 their next regular meeting shall select a mayor from among their number
5 for the unexpired term.

6 **Sec. 2032.** RCW 35.18.200 and 1965 c 7 s 35.18.200 are each amended
7 to read as follows:

8 The mayor shall preside at meetings of the council, and be
9 recognized as the head of the city or town for all ceremonial purposes
10 and by the governor for purposes of military law.

11 He or she shall have no regular administrative duties, but in time
12 of public danger or emergency, if so authorized by the council, shall
13 take command of the police, maintain law, and enforce order.

14 **Sec. 2033.** RCW 35.18.280 and 1965 c 7 s 35.18.280 are each amended
15 to read as follows:

16 ((Councilmen)) councilmembers shall take office at the times
17 provided by RCW 35.18.270 as now or hereafter amended. The other city
18 officials and employees who are incumbent at the time the council-
19 manager plan takes effect shall hold office until their successors have
20 been selected in accordance with the provisions of this chapter.

21 **Sec. 2034.** RCW 35.20.105 and 1969 ex.s. c 147 s 2 are each amended
22 to read as follows:

23 There shall be a court administrator of the municipal court
24 appointed by the judges of the municipal court, subject to confirmation
25 by a majority of the legislative body of the city, and removable by the
26 judges of the municipal court subject to like confirmation. Before
27 entering upon the duties of his or her office the court administrator
28 shall take and subscribe an oath the same as required for officers of
29 the city, and shall execute a penal bond in such sum and with such
30 sureties as the legislative body of the city may direct and subject to
31 their approval, conditioned for the faithful performance of his or her
32 duties, and that he or she will pay over to the treasurer of said city
33 all moneys belonging to the city which shall come into his or her hands
34 as such court administrator. The court administrator shall be paid
35 such compensation as the legislative body of the city may deem

1 reasonable. The court administrator shall act under the supervision
2 and control of the presiding judge of the municipal court and shall
3 supervise the functions of the chief clerk and director of the traffic
4 violations bureau or similar agency of the city, and perform such other
5 duties as may be assigned to him or her by the presiding judge of the
6 municipal court.

7 **Sec. 2035.** RCW 35.20.131 and 1969 ex.s. c 147 s 3 are each amended
8 to read as follows:

9 There shall be a director of the traffic violations bureau or such
10 similar agency of the city as may be created by ordinance of said city.
11 Said director shall be appointed by the judges of the municipal court
12 subject to such civil service laws and rules as may be provided in such
13 city. Said director shall act under the supervision of the court
14 administrator of the municipal court and shall be responsible for the
15 supervision of the traffic violations bureau or similar agency of the
16 city. Upon this 1969 amendatory act becoming effective those employees
17 connected with the traffic violations bureau under civil service status
18 shall be continued in such employment and such classification. Before
19 entering upon the duties of his or her office said director shall take
20 and subscribe an oath the same as required for officers of the city and
21 shall execute a penal bond in such sum and with such sureties as the
22 legislative body of the city may direct and subject to their approval,
23 conditioned for the faithful performance of his or her duties, and that
24 he or she will faithfully account to and pay over to the treasurer of
25 said city all moneys belonging to the city which shall come into his or
26 her hands as such director. Said director shall be paid such
27 compensation as the legislative body of the city may deem reasonable.

28 **Sec. 2036.** RCW 35.20.150 and 1975-'76 2nd ex.s. c 120 s 7 are each
29 amended to read as follows:

30 The municipal judges shall be elected on the first Tuesday after
31 the first Monday in November, 1958, and on the first Tuesday after the
32 first Monday of November every fourth year thereafter by the electorate
33 of the city in which the court is located. The auditor of the county
34 concerned shall designate by number each position to be filled in the
35 municipal court, and each candidate at the time of the filing of his or
36 her declaration of candidacy shall designate by number so assigned the

1 position for which he or she is a candidate, and the name of such
2 candidate shall appear on the ballot only for such position. The name
3 of the person who receives the greatest number of votes and of the
4 person who receives the next greatest number of votes at the primary
5 for a single nonpartisan position shall appear on the general election
6 ballot under the designation therefor. Elections for municipal judge
7 shall be nonpartisan. They shall hold office for a term of four years
8 and until their successors are elected and qualified. The term of
9 office shall start on the second Monday in January following such
10 election. Any vacancy in the municipal court due to a death,
11 disability or resignation of a municipal court judge shall be filled by
12 the mayor, to serve out the unexpired term. Such appointment shall be
13 subject to confirmation by the legislative body of the city.

14 **Sec. 2037.** RCW 35.20.170 and 1965 c 7 s 35.20.170 are each amended
15 to read as follows:

16 No person shall be eligible to the office of judge of the municipal
17 court unless he or she shall have been admitted to practice law before
18 the courts of record of this state and is an elector of the city in
19 which he or she files for office. No judge of said court during his or
20 her term of office shall engage either directly or indirectly in the
21 practice of law.

22 **Sec. 2038.** RCW 35.20.180 and 1965 c 7 s 35.20.180 are each amended
23 to read as follows:

24 Every judge of such municipal court, before he or she enters upon
25 the duties of his or her office, shall take and subscribe the following
26 oath or affirmation: "I do solemnly swear (or affirm) that I will
27 support the Constitution of the United States and the Constitution of
28 the State of Washington, and that I will faithfully discharge the
29 duties of the office of judge of the municipal court of the city of
30 (naming such city) according to the best of my ability; and
31 I do further certify that I do not advocate, nor am I a member of an
32 organization that advocates, the overthrow of the government of the
33 United States by force or violence." The oath shall be filed in the
34 office of the county auditor. He or she shall also give such bonds to
35 the state and city for the faithful performance of his or her duties as
36 may be by law or ordinance directed.

1 **Sec. 2039.** RCW 35.20.190 and 1967 c 241 s 4 are each amended to
2 read as follows:

3 Whenever the number of departments of the municipal court is
4 increased, the mayor of such city shall appoint a qualified person as
5 provided in RCW 35.20.170 to act as municipal judge until the next
6 general election. He or she shall be paid salaries in accordance with
7 the provisions of this chapter and provided with the necessary court,
8 office space and personnel as authorized herein.

9 **Sec. 2040.** RCW 35.20.220 and 2004 c 15 s 9 are each amended to
10 read as follows:

11 (1) The chief clerk, under the supervision and direction of the
12 court administrator of the municipal court, shall have the custody and
13 care of the books, papers and records of said court; he or she shall be
14 present by himself or herself or deputy during the session of said
15 court, and shall have the power to swear all witnesses and jurors, and
16 administer oaths and affidavits, and take acknowledgments. He or she
17 shall keep the records of said court, and shall issue all process under
18 his or her hand and the seal of said court, and shall do and perform
19 all things and have the same powers pertaining to his or her office as
20 the clerks of the superior courts have in their office. He or she
21 shall receive all fines, penalties and fees of every kind, and keep a
22 full, accurate and detailed account of the same; and shall on each day
23 pay into the city treasury all money received for said city during the
24 day previous, with a detailed account of the same, and taking the
25 treasurer's receipt therefor.

26 (2) Except as provided in RCW 10.99.080, the city treasurer shall
27 remit monthly thirty-two percent of the noninterest money received
28 under this section, other than for parking infractions and certain
29 costs to the state treasurer. "Certain costs" as used in this
30 subsection, means those costs awarded to prevailing parties in civil
31 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
32 convicted defendants in criminal actions under RCW 10.01.160,
33 10.46.190, or 36.18.040, or other similar statutes if such costs are
34 specifically designated as costs by the court and are awarded for the
35 specific reimbursement of costs incurred by the state, county, city, or
36 town in the prosecution of the case, including the fees of defense

1 counsel. Money remitted under this subsection to the state treasurer
2 shall be deposited as provided in RCW 43.08.250.

3 (3) The balance of the noninterest money received under this
4 section shall be retained by the city and deposited as provided by law.

5 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
6 interest at the rate of twelve percent per annum, upon assignment to a
7 collection agency. Interest may accrue only while the case is in
8 collection status.

9 (5) Interest retained by the court on penalties, fines, bail
10 forfeitures, fees, and costs shall be split twenty-five percent to the
11 state treasurer for deposit in the public safety and education account
12 as provided in RCW 43.08.250, twenty-five percent to the state
13 treasurer for deposit in the judicial information system account as
14 provided in RCW 2.68.020, twenty-five percent to the city general fund,
15 and twenty-five percent to the city general fund to fund local courts.

16 **Sec. 2041.** RCW 35.20.240 and 1965 c 7 s 35.20.240 are each amended
17 to read as follows:

18 Upon the effective date of this chapter (June 8, 1955), any justice
19 of the peace who was the duly appointed and acting police justice of
20 the city shall become a judge of the municipal court upon his or her
21 filing his or her oath of office and bond as required by this chapter,
22 and shall serve as a judge of said municipal court until the regularly
23 elected judges of the court shall qualify following their election in
24 1958, or thereafter as provided in RCW 35.20.150. Such judge shall be
25 paid salaries in accordance with this chapter while so serving. Such
26 salaries from the city and county shall be in lieu of those now (June
27 8, 1955) being paid to the justice of the peace acting as police
28 justice of the city court: PROVIDED, That upon the justices of the
29 peace qualifying as municipal judges under this chapter, the number of
30 justices of the peace for such city shall be reduced accordingly as
31 provided in RCW 35.20.190. Should any justice of the peace acting as
32 police judge fail to qualify as a judge of the municipal court, the
33 mayor of such city shall designate one of the other justices of the
34 peace of that city to act as municipal judge until the next general
35 election in November, 1958, and the qualifying of the regularly elected
36 judge. All furniture and equipment belonging to the city and county in

1 which the court is situated, now under the care and custody of the
2 justice of the peace and municipal judge, shall be transferred to the
3 municipal court for use in the operation and maintenance of such court.

4 **Sec. 2042.** RCW 35.21.260 and 1999 c 204 s 1 are each amended to
5 read as follows:

6 The governing authority of each city and town on or before May 31st
7 of each year shall submit such records and reports regarding street
8 operations in the city or town to the secretary of transportation on
9 forms furnished by him or her as are necessary to enable him or her to
10 compile an annual report thereon.

11 **Sec. 2043.** RCW 35.21.850 and 1982 c 169 s 3 are each amended to
12 read as follows:

13 No demand for a fee or tax or penalty shall be made by a city or
14 town against a motor carrier of freight for hire on gross income
15 derived from providing transportation services more than four years
16 after the close of the year in which the same accrued except (1)
17 against a taxpayer who has been guilty of fraud or misrepresentation of
18 a material fact; or (2) where a taxpayer has executed a written waiver
19 of such limitations; or (3) against a taxpayer who has not registered
20 as required by the ordinance of the city or town imposing such tax or
21 fee, provided this subsection shall not apply to a taxpayer who has
22 registered in any city or town where the taxpayer maintains an office
23 or terminal, or in the case of a taxpayer who has paid a license fee or
24 tax based on such gross receipts to any city or town levying same which
25 may reasonably be construed to be the principal market of the taxpayer
26 but in which he or she maintains no office or terminal.

27 **Sec. 2044.** RCW 35.22.130 and 1967 c 123 s 2 are each amended to
28 read as follows:

29 A petition containing the demand for the submission of the proposed
30 charter amendment or for an election to be held for the purpose of
31 electing a board of freeholders for the purpose of preparing a new
32 charter for the city as provided in RCW 35.22.140 shall be filed with
33 the city clerk and each signer shall write his or her place of
34 residence after his or her signature. This and RCW 35.22.120 do not

1 deprive city councils of the right to submit proposed charter
2 amendments but affords a concurrent and additional method of
3 submission.

4 **Sec. 2045.** RCW 35.22.210 and 1965 c 7 s 35.22.210 are each amended
5 to read as follows:

6 Any city of the first class having a population less than one
7 hundred thousand by the last federal census and having a charter
8 providing that each of its (~~councilmen~~) councilmembers shall be the
9 commissioner of an administrative department of such city, may by
10 ordinance provide for the separate designation of such (~~councilmen~~)
11 councilmembers as officers, in accordance with such administrative
12 departments, and for their filing for and election to office under such
13 separate designations.

14 **Sec. 2046.** RCW 35.22.280 and 2008 c 129 s 1 are each amended to
15 read as follows:

16 Any city of the first class shall have power:

17 (1) To provide for general and special elections, for questions to
18 be voted upon, and for the election of officers;

19 (2) To provide for levying and collecting taxes on real and
20 personal property for its corporate uses and purposes, and to provide
21 for the payment of the debts and expenses of the corporation;

22 (3) To control the finances and property of the corporation, and to
23 acquire, by purchase or otherwise, such lands and other property as may
24 be necessary for any part of the corporate uses provided for by its
25 charter, and to dispose of any such property as the interests of the
26 corporation may, from time to time, require;

27 (4) To borrow money for corporate purposes on the credit of the
28 corporation, and to issue negotiable bonds therefor, on such conditions
29 and in such manner as shall be prescribed in its charter; but no city
30 shall, in any manner or for any purpose, become indebted to an amount
31 in the aggregate to exceed the limitation of indebtedness prescribed by
32 chapter 39.36 RCW as now or hereafter amended;

33 (5) To issue bonds in place of or to supply means to meet maturing
34 bonds or other indebtedness, or for the consolidation or funding of the
35 same;

1 (6) To purchase or appropriate private property within or without
2 its corporate limits, for its corporate uses, upon making just
3 compensation to the owners thereof, and to institute and maintain such
4 proceedings as may be authorized by the general laws of the state for
5 the appropriation of private property for public use;

6 (7) To lay out, establish, open, alter, widen, extend, grade, pave,
7 plank, establish grades, or otherwise improve streets, alleys, avenues,
8 sidewalks, wharves, parks, and other public grounds, and to regulate
9 and control the use thereof, and to vacate the same, and to authorize
10 or prohibit the use of electricity at, in, or upon any of said streets,
11 or for other purposes, and to prescribe the terms and conditions upon
12 which the same may be so used, and to regulate the use thereof;

13 (8) To change the grade of any street, highway, or alley within its
14 corporate limits, and to provide for the payment of damages to any
15 abutting owner or owners who shall have built or made other
16 improvements upon such street, highway, or alley at any point opposite
17 to the point where such change shall be made with reference to the
18 grade of such street, highway, or alley as the same existed prior to
19 such change;

20 (9) To authorize or prohibit the locating and constructing of any
21 railroad or street railroad in any street, alley, or public place in
22 such city, and to prescribe the terms and conditions upon which any
23 such railroad or street railroad shall be located or constructed; to
24 provide for the alteration, change of grade, or removal thereof; to
25 regulate the moving and operation of railroad and street railroad
26 trains, cars, and locomotives within the corporate limits of said city;
27 and to provide by ordinance for the protection of all persons and
28 property against injury in the use of such railroads or street
29 railroads;

30 (10) To provide for making local improvements, and to levy and
31 collect special assessments on property benefited thereby, and for
32 paying for the same or any portion thereof;

33 (11) To acquire, by purchase or otherwise, lands for public parks
34 within or without the limits of such city, and to improve the same.
35 When the language of any instrument by which any property is so
36 acquired limits the use of said property to park purposes and contains
37 a reservation of interest in favor of the grantor or any other person,
38 and where it is found that the property so acquired is not needed for

1 park purposes and that an exchange thereof for other property to be
2 dedicated for park purposes is in the public interest, the city may,
3 with the consent of the grantor or such other person, his or her heirs,
4 successors, or assigns, exchange such property for other property to be
5 dedicated for park purposes, and may make, execute, and deliver proper
6 conveyances to effect the exchange. In any case where, owing to death
7 or lapse of time, there is neither donor, heir, successor, or assignee
8 to give consent, this consent may be executed by the city and filed for
9 record with an affidavit setting forth all efforts made to locate
10 people entitled to give such consent together with the facts which
11 establish that no consent by such persons is attainable. Title to
12 property so conveyed by the city shall vest in the grantee free and
13 clear of any trust in favor of the public arising out of any prior
14 dedication for park purposes, but the right of the public shall be
15 transferred and preserved with like force and effect to the property
16 received by the city in such exchange;

17 (12) To construct and keep in repair bridges, viaducts, and
18 tunnels, and to regulate the use thereof;

19 (13) To determine what work shall be done or improvements made at
20 the expense, in whole or in part, of the owners of the adjoining
21 contiguous, or proximate property, or others specially benefited
22 thereby; and to provide for the manner of making and collecting
23 assessments therefor;

24 (14) To provide for erecting, purchasing, or otherwise acquiring
25 waterworks, within or without the corporate limits of said city, to
26 supply said city and its inhabitants with water, or authorize the
27 construction of same by others when deemed for the best interests of
28 such city and its inhabitants, and to regulate and control the use and
29 price of the water so supplied;

30 (15) To provide for lighting the streets and all public places, and
31 for furnishing the inhabitants thereof with gas or other lights, and to
32 erect, or otherwise acquire, and to maintain the same, or to authorize
33 the erection and maintenance of such works as may be necessary and
34 convenient therefor, and to regulate and control the use thereof;

35 (16) To establish and regulate markets, and to provide for the
36 weighing, measuring, and inspection of all articles of food and drink
37 offered for sale thereat, or at any other place within its limits, by
38 proper penalties, and to enforce the keeping of proper legal weights

1 and measures by all vendors in such city, and to provide for the
2 inspection thereof. Whenever the words "public markets" are used in
3 this chapter, and the public market is managed in whole or in part by
4 a public corporation created by a city, the words shall be construed to
5 include all real or personal property located in a district or area
6 designated by a city as a public market and traditionally devoted to
7 providing farmers, crafts vendors and other merchants with retail space
8 to market their wares to the public. Property located in such a
9 district or area need not be exclusively or primarily used for such
10 traditional public market retail activities and may include property
11 used for other public purposes including, but not limited to, the
12 provision of human services and low-income or moderate-income housing;

13 (17) To erect and establish hospitals and pesthouses, and to
14 control and regulate the same;

15 (18) To provide for establishing and maintaining reform schools for
16 juvenile offenders;

17 (19) To provide for the establishment and maintenance of public
18 libraries, and to appropriate, annually, such percent of all moneys
19 collected for fines, penalties, and licenses as shall be prescribed by
20 its charter, for the support of a city library, which shall, under such
21 regulations as shall be prescribed by ordinance, be open for use by the
22 public;

23 (20) To regulate the burial of the dead, and to establish and
24 regulate cemeteries within or without the corporate limits, and to
25 acquire land therefor by purchase or otherwise; to cause cemeteries to
26 be removed beyond the limits of the corporation, and to prohibit their
27 establishment within two miles of the boundaries thereof;

28 (21) To direct the location and construction of all buildings in
29 which any trade or occupation offensive to the senses or deleterious to
30 public health or safety shall be carried on, and to regulate the
31 management thereof; and to prohibit the erection or maintenance of such
32 buildings or structures, or the carrying on of such trade or occupation
33 within the limits of such corporation, or within the distance of two
34 miles beyond the boundaries thereof;

35 (22) To provide for the prevention and extinguishment of fires and
36 to regulate or prohibit the transportation, keeping, or storage of all
37 combustible or explosive materials within its corporate limits, and to
38 regulate and restrain the use of fireworks;

1 (23) To establish fire limits and to make all such regulations for
2 the erection and maintenance of buildings or other structures within
3 its corporate limits as the safety of persons or property may require,
4 and to cause all such buildings and places as may from any cause be in
5 a dangerous state to be put in safe condition;

6 (24) To regulate the manner in which stone, brick, and other
7 buildings, party walls, and partition fences shall be constructed and
8 maintained;

9 (25) To deepen, widen, dock, cover, wall, alter, or change the
10 channels of waterways and courses, and to provide for the construction
11 and maintenance of all such works as may be required for the
12 accommodation of commerce, including canals, slips, public landing
13 places, wharves, docks, and levees, and to control and regulate the use
14 thereof;

15 (26) To control, regulate, or prohibit the anchorage, moorage, and
16 landing of all watercrafts and their cargoes within the jurisdiction of
17 the corporation;

18 (27) To fix the rates of wharfage and dockage, and to provide for
19 the collection thereof, and to provide for the imposition and
20 collection of such harbor fees as may be consistent with the laws of
21 the United States;

22 (28) To license, regulate, control, or restrain wharf boats, tugs,
23 and other boats used about the harbor or within such jurisdiction;

24 (29) To require the owners of public halls or other buildings to
25 provide suitable means of exit; to provide for the prevention and
26 abatement of nuisances, for the cleaning and purification of
27 watercourses and canals, for the drainage and filling up of ponds on
28 private property within its limits, when the same shall be offensive to
29 the senses or dangerous to health; to regulate and control, and to
30 prevent and punish, the defilement or pollution of all streams running
31 through or into its corporate limits, and for the distance of five
32 miles beyond its corporate limits, and on any stream or lake from which
33 the water supply of said city is taken, for a distance of five miles
34 beyond its source of supply; to provide for the cleaning of areas,
35 vaults, and other places within its corporate limits which may be so
36 kept as to become offensive to the senses or dangerous to health, and
37 to make all such quarantine or other regulations as may be necessary

1 for the preservation of the public health, and to remove all persons
2 afflicted with any infectious or contagious disease to some suitable
3 place to be provided for that purpose;

4 (30) To declare what shall be a nuisance, and to abate the same,
5 and to impose fines upon parties who may create, continue, or suffer
6 nuisances to exist;

7 (31) To regulate the selling or giving away of intoxicating, malt,
8 vinous, mixed, or fermented liquors as authorized by the general laws
9 of the state: PROVIDED, That no license shall be granted to any person
10 or persons who shall not first comply with the general laws of the
11 state in force at the time the same is granted;

12 (32) To grant licenses for any lawful purpose, and to fix by
13 ordinance the amount to be paid therefor, and to provide for revoking
14 the same. However, no license shall be granted to continue for longer
15 than one year from the date thereof. A city may not require a business
16 to be licensed based solely upon registration under or compliance with
17 the streamlined sales and use tax agreement;

18 (33) To regulate the carrying on within its corporate limits of all
19 occupations which are of such a nature as to affect the public health
20 or the good order of said city, or to disturb the public peace, and
21 which are not prohibited by law, and to provide for the punishment of
22 all persons violating such regulations, and of all persons who
23 knowingly permit the same to be violated in any building or upon any
24 premises owned or controlled by them;

25 (34) To restrain and provide for the punishment of vagrants,
26 mendicants, prostitutes, and other disorderly persons;

27 (35) To provide for the punishment of all disorderly conduct, and
28 of all practices dangerous to public health or safety, and to make all
29 regulations necessary for the preservation of public morality, health,
30 peace, and good order within its limits, and to provide for the arrest,
31 trial, and punishment of all persons charged with violating any of the
32 ordinances of said city. The punishment shall not exceed a fine of
33 five thousand dollars or imprisonment in the city jail for one year, or
34 both such fine and imprisonment. The punishment for any criminal
35 ordinance shall be the same as the punishment provided in state law for
36 the same crime. Such cities alternatively may provide that violations
37 of ordinances constitute a civil violation subject to monetary

1 penalties, but no act which is a state crime may be made a civil
2 violation;

3 (36) To project or extend its streets over and across any tidelands
4 within its corporate limits, and along or across the harbor areas of
5 such city, in such manner as will best promote the interests of
6 commerce;

7 (37) To provide in their respective charters for a method to
8 propose and adopt amendments thereto.

9 **Sec. 2047.** RCW 35.22.610 and 1967 ex.s. c 37 s 1 are each amended
10 to read as follows:

11 Notwithstanding the provisions of RCW 35.21.200, as now or
12 hereafter amended, all cities of the first class shall have the right
13 and authority to appoint and employ a person as a regular or special
14 police officer of said city regardless of his or her place of residence
15 or domicile at the date of his or her appointment.

16 This provision shall supersede any provision of any city charter to
17 the contrary.

18 **Sec. 2048.** RCW 35.23.010 and 1965 c 7 s 35.23.010 are each amended
19 to read as follows:

20 Every city of the second class shall be entitled "City of
21" (naming it), and by such name shall have perpetual
22 succession; may sue and be sued in all courts and in all proceedings;
23 shall have and use a common seal which it may alter at pleasure; may
24 acquire, hold, lease, use and enjoy property of every kind and control
25 and dispose of it for the common benefit; and, upon making a finding
26 that any property acquired for park purposes is not useful for such
27 purposes and that an exchange thereof for other property to be
28 dedicated for park purposes is in the public interest, may, with the
29 consent of the dedicator or donor, his or her heirs, successors or
30 assigns, exchange such property for other property to be dedicated for
31 park purposes and make, execute and deliver proper conveyances to
32 effect the exchange. In any case where owing to death or lapse of time
33 there is neither donor, heir, successor, nor assigns to give consent to
34 the exchange, then this consent may be executed by the grantee. Title
35 to property so conveyed by the city shall vest in the grantee free and

1 clear of any trust in favor of the public arising out of any prior
2 dedication for park purposes.

3 **Sec. 2049.** RCW 35.23.111 and 1965 c 7 s 35.24.110 are each amended
4 to read as follows:

5 The city attorney shall advise the city authorities and officers in
6 all legal matters pertaining to the business of the city and shall
7 approve all ordinances as to form. He or she shall represent the city
8 in all actions brought by or against the city or against city officials
9 in their official capacity. He or she shall perform such other duties
10 as the city council by ordinance may direct.

11 **Sec. 2050.** RCW 35.23.131 and 1965 c 7 s 35.24.130 are each amended
12 to read as follows:

13 The city treasurer shall receive and safely keep all money which
14 comes into his or her hands as treasurer, for all of which he or she
15 shall execute triplicate receipts, one to be filed with the city clerk.
16 He or she shall receive all money due the city and disburse it on
17 warrants issued by the clerk countersigned by the mayor, and not
18 otherwise. He or she shall make monthly settlements with the city
19 clerk at which time he or she shall deliver to the clerk the duplicate
20 receipts for all money received and all canceled warrants as evidence
21 of money paid.

22 **Sec. 2051.** RCW 35.23.144 and 1969 c 116 s 4 are each amended to
23 read as follows:

24 In the event that the office of treasurer is combined with the
25 office of clerk so as to become the office of clerk-treasurer, the
26 clerk shall exercise all the powers vested in and perform all the
27 duties required to be performed by the treasurer, and in cases where
28 the law requires the treasurer to sign or execute any papers or
29 documents, it shall not be necessary for the clerk to sign as
30 treasurer, but shall be sufficient if he or she signs as clerk.

31 **Sec. 2052.** RCW 35.23.410 and 1965 c 7 s 35.23.410 are each amended
32 to read as follows:

33 The city council may lease for business purposes portions of the
34 ends of streets terminating in the waterfront or navigable waters of

1 the city with the written consent of all the property owners whose
2 properties abut upon the portion proposed to be leased. The lease may
3 be made for any period not exceeding fifteen years but must provide
4 that at intervals of every five years during the term, the rental to be
5 paid by the lessee shall be readjusted between him or her and the city
6 by mutual agreement, or if they cannot agree by a board of arbitration,
7 one to be chosen by the city, one by the lessee and the third by the
8 other two, their decision to be final. The vote of two-thirds of all
9 the ((~~councilmen~~)) councilmembers elected is necessary to authorize
10 such a lease.

11 **Sec. 2053.** RCW 35.23.440 and 2008 c 129 s 2 are each amended to
12 read as follows:

13 The city council of each second-class city shall have power and
14 authority:

15 (1) Ordinances: To make and pass all ordinances, orders, and
16 resolutions not repugnant to the Constitution of the United States or
17 the state of Washington, or the provisions of this title, necessary for
18 the municipal government and management of the affairs of the city, for
19 the execution of the powers vested in said body corporate, and for the
20 carrying into effect of the provisions of this title.

21 (2) License of shows: To fix and collect a license tax, for the
22 purposes of revenue and regulation, on theatres, melodeons, balls,
23 concerts, dances, theatrical, circus, or other performances, and all
24 performances where an admission fee is charged, or which may be held in
25 any house or place where wines or liquors are sold to the
26 participators; also all shows, billiard tables, pool tables, bowling
27 alleys, exhibitions, or amusements.

28 (3) Hotels, etc., licenses: To fix and collect a license tax for
29 the purposes of revenue and regulation on and to regulate all taverns,
30 hotels, restaurants, banks, brokers, manufactories, livery stables,
31 express companies and persons engaged in transmitting letters or
32 packages, railroad, stage, and steamboat companies or owners, whose
33 principal place of business is in such city, or who have an agency
34 therein.

35 (4) Peddlers', etc., licenses: To license, for the purposes of
36 revenue and regulation, tax, prohibit, suppress, and regulate all

1 raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands,
2 booths, or sheds; and to regulate as authorized by state law all
3 tippling houses, dram shops, saloons, bars, and barrooms.

4 (5) Dance houses: To prohibit or suppress, or to license and
5 regulate all dance houses, fandango houses, or any exhibition or show
6 of any animal or animals.

7 (6) License vehicles: To license for the purposes of revenue and
8 regulation, and to tax hackney coaches, cabs, omnibuses, drays, market
9 wagons, and all other vehicles used for hire, and to regulate their
10 stands, and to fix the rates to be charged for the transportation of
11 persons, baggage, and property.

12 (7) Hotel runners: To license or suppress runners for steamboats,
13 taverns, or hotels.

14 (8) License generally: To fix and collect a license tax for the
15 purposes of revenue and regulation, upon all occupations and trades,
16 and all and every kind of business authorized by law not heretofore
17 specified. However, on any business, trade, or calling not provided by
18 law to be licensed for state and county purposes, the amount of license
19 shall be fixed at the discretion of the city council, as they may deem
20 the interests and good order of the city may require. A city may not
21 require a business to be licensed based solely upon registration under
22 or compliance with the streamlined sales and use tax agreement.

23 (9) Riots: To prevent and restrain any riot or riotous
24 assemblages, disturbance of the peace, or disorderly conduct in any
25 place, house, or street in the city.

26 (10) Nuisances: To declare what shall be deemed nuisances; to
27 prevent, remove, and abate nuisances at the expense of the parties
28 creating, causing, or committing or maintaining the same, and to levy
29 a special assessment on the land or premises whereon the nuisance is
30 situated to defray the cost or to reimburse the city for the cost of
31 abating the same.

32 (11) Stock pound: To establish, maintain, and regulate a common
33 pound for estrays, and to appoint a poundkeeper, who shall be paid out
34 of the fines and fees imposed and collected of the owners of any
35 animals impounded, and from no other source; to prevent and regulate
36 the running at large of any and all domestic animals within the city
37 limits or any parts thereof, and to regulate or prevent the keeping of
38 such animals within any part of the city.

1 (12) Control of certain trades: To control and regulate
2 slaughterhouses, washhouses, laundries, tanneries, forges, and
3 offensive trades, and to provide for their exclusion or removal from
4 the city limits, or from any part thereof.

5 (13) Street cleaning: To provide, by regulation, for the
6 prevention and summary removal of all filth and garbage in streets,
7 sloughs, alleys, back yards, or public grounds of such city, or
8 elsewhere therein.

9 (14) Gambling, etc.: To prohibit and suppress all gaming and all
10 gambling or disorderly houses, and houses of ill fame, and all immoral
11 and indecent amusements, exhibitions, and shows.

12 (15) Markets: To establish and regulate markets and market places.

13 (16) Speed of railroad cars: To fix and regulate the speed at
14 which any railroad cars, streetcars, automobiles, or other vehicles may
15 run within the city limits, or any portion thereof.

16 (17) City commons: To provide for and regulate the commons of the
17 city.

18 (18) Fast driving: To regulate or prohibit fast driving or riding
19 in any portion of the city.

20 (19) Combustibles: To regulate or prohibit the loading or storage
21 of gunpowder and combustible or explosive materials in the city, or
22 transporting the same through its streets or over its waters.

23 (20) Property: To have, purchase, hold, use, and enjoy property of
24 every name or kind whatsoever, and to sell, lease, transfer, mortgage,
25 convey, control, or improve the same; to build, erect, or construct
26 houses, buildings, or structures of any kind needful for the use or
27 purposes of such city.

28 (21) Fire department: To establish, continue, regulate, and
29 maintain a fire department for such city, to change or reorganize the
30 same, and to disband any company or companies of the said department;
31 also, to discontinue and disband said fire department, and to create,
32 organize, establish, and maintain a paid fire department for such city.

33 (22) Water supply: To adopt, enter into, and carry out means for
34 securing a supply of water for the use of such city or its inhabitants,
35 or for irrigation purposes therein.

36 (23) Overflow of water: To prevent the overflow of the city or to
37 secure its drainage, and to assess the cost thereof to the property
38 benefited.

1 (24) House numbers: To provide for the numbering of houses.

2 (25) Health board: To establish a board of health; to prevent the
3 introduction and spread of disease; to establish a city infirmary and
4 to provide for the indigent sick; and to provide and enforce
5 regulations for the protection of health, cleanliness, peace, and good
6 order of the city; to establish and maintain hospitals within or
7 without the city limits; to control and regulate interments and to
8 prohibit them within the city limits.

9 (26) Harbors and wharves: To build, alter, improve, keep in
10 repair, and control the waterfront; to erect, regulate, and repair
11 wharves, and to fix the rate of wharfage and transit of wharf, and levy
12 dues upon vessels and commodities; and to provide for the regulation of
13 berths, landing, stationing, and removing steamboats, sail vessels,
14 rafts, barges, and all other watercraft; to fix the rate of speed at
15 which steamboats and other steam watercraft may run along the
16 waterfront of the city; to build bridges so as not to interfere with
17 navigation; to provide for the removal of obstructions to the
18 navigation of any channel or watercourses or channels.

19 (27) License of steamers: To license steamers, boats, and vessels
20 used in any watercourse in the city, and to fix and collect a license
21 tax thereon.

22 (28) Ferry licenses: To license ferries and toll bridges under the
23 law regulating the granting of such license.

24 (29) Penalty for violation of ordinances: To provide that
25 violations of ordinances with the punishment for any offense not
26 exceeding a fine of five thousand dollars or imprisonment for more than
27 one year, or both fine and imprisonment, but the punishment for any
28 criminal ordinance shall be the same as the punishment provided in
29 state law for the same crime. Alternatively, such a city may provide
30 that a violation of an ordinance constitutes a civil violation subject
31 to monetary penalties or to determine and impose fines for forfeitures
32 and penalties, but no act which is a state crime may be made a civil
33 violation. A violation of an order, regulation, or ordinance relating
34 to traffic including parking, standing, stopping, and pedestrian
35 offenses is a traffic infraction, except that violation of an order,
36 regulation, or ordinance equivalent to those provisions of Title 46 RCW
37 set forth in RCW 46.63.020 remains a misdemeanor.

1 (30) Police department: To create and establish a city police; to
2 prescribe their duties and their compensation; and to provide for the
3 regulation and government of the same.

4 (31) Examine official accounts: To examine, either in open session
5 or by committee, the accounts or doings of all officers or other
6 persons having the care, management, or disposition of moneys,
7 property, or business of the city.

8 (32) Contracts: To make all appropriations, contracts, or
9 agreements for the use or benefit of the city and in the city's name.

10 (33) Streets and sidewalks: To provide by ordinance for the
11 opening, laying out, altering, extending, repairing, grading, paving,
12 planking, graveling, macadamizing, or otherwise improving of public
13 streets, avenues, and other public ways, or any portion of any thereof;
14 and for the construction, regulation, and repair of sidewalks and other
15 street improvements, all at the expense of the property to be benefited
16 thereby, without any recourse, in any event, upon the city for any
17 portion of the expense of such work, or any delinquency of the property
18 holders or owners, and to provide for the forced sale thereof for such
19 purposes; to establish a uniform grade for streets, avenues, sidewalks,
20 and squares, and to enforce the observance thereof.

21 (34) Waterways: To clear, cleanse, alter, straighten, widen, fill
22 up, or close any waterway, drain, or sewer, or any watercourse in such
23 city when not declared by law to be navigable, and to assess the
24 expense thereof, in whole or in part, to the property specially
25 benefited.

26 (35) Sewerage: To adopt, provide for, establish, and maintain a
27 general system of sewerage, draining, or both, and the regulation
28 thereof; to provide funds by local assessments on the property
29 benefited for the purpose aforesaid and to determine the manner, terms,
30 and place of connection with main or central lines of pipes, sewers, or
31 drains established, and compel compliance with and conformity to such
32 general system of sewerage or drainage, or both, and the regulations of
33 said council thereto relating, by the infliction of suitable penalties
34 and forfeitures against persons and property, or either, for
35 nonconformity to, or failure to comply with the provisions of such
36 system and regulations or either.

37 (36) Buildings and parks: To provide for all public buildings,
38 public parks, or squares, necessary or proper for the use of the city.

1 (37) Franchises: To permit the use of the streets for railroad or
2 other public service purposes.

3 (38) Payment of judgments: To order paid any final judgment
4 against such city, but none of its lands or property of any kind or
5 nature, taxes, revenue, franchise, or rights, or interest, shall be
6 attached, levied upon, or sold in or under any process whatsoever.

7 (39) Weighing of fuel: To regulate the sale of coal and wood in
8 such city, and may appoint a measurer of wood and weigher of coal for
9 the city, and define his or her duties, and may prescribe his or her
10 term of office, and the fees he or she shall receive for his or her
11 services: PROVIDED, That such fees shall in all cases be paid by the
12 parties requiring such service.

13 (40) Hospitals, etc.: To erect and establish hospitals and
14 pesthouses and to control and regulate the same.

15 (41) Waterworks: To provide for the erection, purchase, or
16 otherwise acquiring of waterworks within or without the corporate
17 limits of the city to supply such city and its inhabitants with water,
18 and to regulate and control the use and price of the water so supplied.

19 (42) City lights: To provide for lighting the streets and all
20 public places of the city and for furnishing the inhabitants of the
21 city with gas, electric, or other light, and for the ownership,
22 purchase or acquisition, construction, or maintenance of such works as
23 may be necessary or convenient therefor: PROVIDED, That no purchase of
24 any such water plant or light plant shall be made without first
25 submitting the question of such purchase to the electors of the city.

26 (43) Parks: To acquire by purchase or otherwise land for public
27 parks, within or without the limits of the city, and to improve the
28 same.

29 (44) Bridges: To construct and keep in repair bridges, and to
30 regulate the use thereof.

31 (45) Power of eminent domain: In the name of and for the use and
32 benefit of the city, to exercise the right of eminent domain, and to
33 condemn lands and property for the purposes of streets, alleys, parks,
34 public grounds, waterworks, or for any other municipal purpose and to
35 acquire by purchase or otherwise such lands and property as may be
36 deemed necessary for any of the corporate uses provided for by this
37 title, as the interests of the city may from time to time require.

1 (46) To provide for the assessment of taxes: To provide for the
2 assessment, levying, and collecting of taxes on real and personal
3 property for the corporate uses and purposes of the city and to provide
4 for the payment of the debts and expenses of the corporation.

5 (47) Local improvements: To provide for making local improvements,
6 and to levy and collect special assessments on the property benefited
7 thereby and for paying the same or any portion thereof; to determine
8 what work shall be done or improvements made, at the expense, in whole
9 or in part, of the adjoining, contiguous, or proximate property, and to
10 provide for the manner of making and collecting assessments therefor.

11 (48) Cemeteries: To regulate the burial of the dead and to
12 establish and regulate cemeteries, within or without the corporate
13 limits, and to acquire lands therefor by purchase or otherwise.

14 (49) Fire limits: To establish fire limits with proper regulations
15 and to make all needful regulations for the erection and maintenance of
16 buildings or other structures within the corporate limits as safety of
17 persons or property may require, and to cause all such buildings and
18 places as may from any cause be in a dangerous state to be put in a
19 safe condition; to regulate the manner in which stone, brick, and other
20 buildings, party walls, and partition fences shall be constructed and
21 maintained.

22 (50) Safety and sanitary measures: To require the owners of public
23 halls, theaters, hotels, and other buildings to provide suitable means
24 of exit and proper fire escapes; to provide for the cleaning and
25 purification of watercourses and canals and for the draining and
26 filling up of ponds on private property within its limits when the same
27 shall be offensive to the senses or dangerous to the health, and to
28 charge the expense thereof to the property specially benefited, and to
29 regulate and control and provide for the prevention and punishment of
30 the defilement or pollution of all streams running in or through its
31 corporate limits and a distance of five miles beyond its corporate
32 limits, and of any stream or lake from which the water supply of the
33 city is or may be taken and for a distance of five miles beyond its
34 source of supply, and to make all quarantine and other regulations as
35 may be necessary for the preservation of the public health and to
36 remove all persons afflicted with any contagious disease to some
37 suitable place to be provided for that purpose.

1 (51) To regulate liquor traffic: To regulate the selling or giving
2 away of intoxicating, spirituous, malt, vinous, mixed, or fermented
3 liquors as authorized by the general laws of the state.

4 (52) To establish streets on tidelands: To project or extend or
5 establish streets over and across any tidelands within the limits of
6 such city.

7 (53) To provide for the general welfare.

8 **Sec. 2054.** RCW 35.27.030 and 1965 c 7 s 35.27.030 are each amended
9 to read as follows:

10 Whenever a petition is presented to the council of any incorporated
11 town in this state, signed by not less than five electors of such town,
12 setting forth that in the belief of the petitioners, the boundaries of
13 said town are indefinite and uncertain and that on account of such
14 indefiniteness and uncertainty the legality of the taxes levied within
15 such town are in danger of being affected, and setting forth the
16 particular causes or reasons of such alleged indefiniteness or
17 uncertainty, it shall be the duty of the town council to cause the
18 petition to be filed and recorded by the clerk, and to cause a copy of
19 the same to be made and certified by the clerk and the corporate seal
20 of such town to be attached to said certificate, and the mayor of such
21 town shall forthwith present said certified copy of the petition to the
22 board of county commissioners of the county wherein said town is
23 situated, with a written request to be signed by him or her as such
24 mayor that the said board of county commissioners proceed to examine
25 the boundaries of such town or city, and make the same definite and
26 certain.

27 **Sec. 2055.** RCW 35.27.050 and 1965 c 7 s 35.27.050 are each amended
28 to read as follows:

29 The board of county commissioners, without unnecessary delay, shall
30 make and file a report of their doings in the premises in the office of
31 the county auditor, who shall transmit a certified copy thereof under
32 the seal of the county, to the clerk of the town, and the clerk shall
33 record the same in the records of the town, and keep the copy on file
34 in his or her office. The report shall contain the description of the
35 boundary of the town, as fixed by the board, written in plain words and

1 figures and the boundaries so made and fixed shall be the boundaries of
2 the town, and all the territory included within the boundary lines so
3 established shall be included in the town, and be a part thereof.

4 **Sec. 2056.** RCW 35.27.090 and 1979 ex.s. c 126 s 23 are each
5 amended to read as follows:

6 All general municipal elections in towns shall be held biennially
7 in the odd-numbered years as provided in RCW ((~~29.13.020~~)) 29A.04.330.
8 The term of office of the mayor and treasurer shall be four years and
9 until their successors are elected and qualified and assume office in
10 accordance with RCW ((~~29.04.170~~)) 29A.20.040: PROVIDED, That the term
11 of the treasurer shall not commence in the same biennium in which the
12 term of the mayor commences. ((~~Councilmen~~)) Councilmembers shall be
13 elected for four year terms and until their successors are elected and
14 qualified and assume office in accordance with RCW ((~~29.04.170~~))
15 29A.20.040; three at one election and two at the next succeeding
16 biennial election.

17 **Sec. 2057.** RCW 35.27.120 and 1986 c 167 s 19 are each amended to
18 read as follows:

19 Every officer of a town before entering upon the duties of his or
20 her office shall take and file with the county auditor his or her oath
21 of office. The clerk, treasurer, and marshal before entering upon
22 their respective duties shall also each execute a bond approved by the
23 council in such penal sum as the council by ordinance may determine,
24 conditioned for the faithful performance of his or her duties including
25 in the same bond the duties of all offices of which he or she is made
26 ex officio incumbent.

27 All bonds, when approved, shall be filed with the town clerk,
28 except the bonds of the clerk which shall be filed with the mayor.

29 **Sec. 2058.** RCW 35.27.170 and 1965 c 7 s 35.27.170 are each amended
30 to read as follows:

31 The town treasurer shall receive and safely keep all money which
32 comes into his or her hands as treasurer, for all of which he or she
33 shall give duplicate receipts, one of which shall be filed with the
34 clerk. He or she shall pay out the money on warrants signed by the

1 mayor and countersigned by the clerk and not otherwise. He or she
2 shall make monthly settlements with the clerk.

3 **Sec. 2059.** RCW 35.27.190 and 1965 c 7 s 35.27.190 are each amended
4 to read as follows:

5 Upon the consolidation of the office of treasurer with that of
6 clerk, the office of treasurer shall be abolished and the clerk shall
7 exercise all the powers and perform all the duties required by statute
8 or ordinance to be performed by the treasurer; in the execution of any
9 papers his or her designation as clerk shall be sufficient.

10 Upon the consolidation of the office of clerk with that of
11 treasurer, the treasurer shall exercise all the powers vested in and
12 perform all the duties required to be performed by the clerk.

13 **Sec. 2060.** RCW 35.27.230 and 1965 c 7 s 35.27.230 are each amended
14 to read as follows:

15 The proceedings of the town council shall be kept in a book marked
16 "records of council."

17 The town clerk shall keep a book marked "town accounts," in which
18 shall be entered on the debit side all moneys received by the town
19 including but not limited to proceeds from licenses and general taxes
20 and in which shall be entered on the credit side all warrants drawn on
21 the treasury.

22 He or she shall also keep a book marked "marshal's account" in
23 which he or she shall charge the marshal with all licenses delivered to
24 him or her and credit him or her with all money collected and paid in.

25 He or she shall also keep a book marked "treasurer's account" in
26 which he or she shall keep a full account of the transactions of the
27 town with the treasurer.

28 He or she shall also keep a book marked "licenses" in which he or
29 she shall enter all licenses issued by him or her--the date thereof, to
30 whom issued, for what, the time they expire, and the amount paid.

31 Each of the foregoing books, except the records of the council,
32 shall have a general index sufficiently comprehensive to enable a
33 person readily to ascertain matters contained therein.

34 He or she shall also keep a book marked "demands and warrants" in
35 which he or she shall enter every demand against the town at the time
36 of filing it. He or she shall state therein the final disposition of

1 each demand and if it is allowed and a warrant drawn, he or she shall
2 state the number of the warrant and its date. This book shall contain
3 an index in which reference shall be made to each demand.

4 **Sec. 2061.** RCW 35.27.280 and 1965 c 107 s 2 are each amended to
5 read as follows:

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

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

20 **Sec. 2062.** RCW 35.27.310 and 1965 c 7 s 35.27.310 are each amended
21 to read as follows:

22 The town clerk shall keep a book marked "ordinances" into which he
23 or she shall copy all town ordinances, with his or her certificate
24 annexed to said copy stating that the foregoing ordinance is a true and
25 correct copy of an ordinance of the town, and giving the number and
26 title of the ordinance, and stating that it has been published or
27 posted according to law. Such record copy, with the clerk's
28 certificate, shall be prima facie evidence of the contents of the
29 ordinance and of its passage and publication, and shall be admissible
30 as such in any court or proceeding. Such record shall not be filed in
31 any case but shall be returned to the custody of the clerk. Nothing
32 herein shall be construed to prevent the proof of the passage and
33 publication of ordinances in the usual way. The book of ordinances
34 shall have a general index sufficiently comprehensive to enable a
35 person readily to ascertain matters contained therein.

1 **Sec. 2063.** RCW 35.27.330 and 1965 c 7 s 35.27.330 are each amended
2 to read as follows:

3 No ordinance or resolution granting any franchise for any purpose
4 shall be passed by the council on the day of its introduction, nor
5 within five days thereafter, nor at any other than a regular meeting,
6 and no such ordinance or resolution shall have any validity or effect
7 unless passed by the vote of at least three (~~councilmen~~)
8 councilmembers. The town council may require a bond in a reasonable
9 amount from any persons and corporations obtaining a franchise from the
10 town conditioned for the faithful performance of the conditions and
11 terms of the franchise and providing a recovery on the bond in case of
12 failure to perform the terms and conditions of the franchise.

13 **Sec. 2064.** RCW 35.27.340 and 1965 c 7 s 35.27.340 are each amended
14 to read as follows:

15 All demands against a town shall be presented to and audited by the
16 council in accordance with such regulations as they may by ordinance
17 prescribe. Upon allowance of a demand the mayor shall draw a warrant
18 therefor upon the treasurer; the warrant shall be countersigned by the
19 clerk and shall specify the purpose for which it is drawn.

20 The town clerk and his or her deputy shall take all necessary
21 affidavits to claims against the town and certify them.

22 **Sec. 2065.** RCW 35.32A.020 and 1967 c 7 s 4 are each amended to
23 read as follows:

24 There shall be a budget director, appointed by the mayor without
25 regard to civil service rules and regulations and subject to
26 confirmation by a majority of the members of the city council, who
27 shall be in charge of the city budget office and, under the direction
28 of the mayor, shall be responsible for preparing the budget and
29 supervising its execution. The budget director may be removed by the
30 mayor upon filing with the city council a statement of his or her
31 reasons therefor.

32 **Sec. 2066.** RCW 35.32A.060 and 1985 c 175 s 64 are each amended to
33 read as follows:

34 Every city having a population of over three hundred thousand may
35 maintain an emergency fund, which fund balance shall not exceed thirty-

1 seven and one-half cents per thousand dollars of assessed value. Such
2 fund shall be maintained by an annual budget allowance. When the
3 necessity therefor arises transfers may be made to the emergency fund
4 from any tax-supported fund except bond interest and redemption funds.

5 The city council by an ordinance approved by two-thirds of all of
6 its members may authorize the expenditure of sufficient money from the
7 emergency fund, or other designated funds, to meet the expenses or
8 obligations:

9 (1) Caused by fire, flood, explosion, storm, earthquake, epidemic,
10 riot, insurrection, act of God, act of the public enemy or any other
11 such happening that could not have been anticipated; or

12 (2) For the immediate preservation of order or public health or for
13 the restoration to a condition of usefulness of public property the
14 usefulness of which has been destroyed by accident; or

15 (3) In settlement of approved claims for personal injuries or
16 property damages, exclusive of claims arising from the operation of a
17 public utility owned by the city; or

18 (4) To meet mandatory expenditures required by laws enacted since
19 the last budget was adopted.

20 The city council by an ordinance approved by three-fourths of all
21 its members may appropriate from the emergency fund, or other
22 designated funds, an amount sufficient to meet the actual necessary
23 expenditures of the city for which insufficient or no appropriations
24 have been made due to causes which could not reasonably have been
25 foreseen at the time of the making of the budget.

26 An ordinance authorizing an emergency expenditure shall become
27 effective immediately upon being approved by the mayor or upon being
28 passed over his or her veto as provided by the city charter.

29 **Sec. 2067.** RCW 35.33.011 and 1981 c 40 s 1 are each amended to
30 read as follows:

31 Unless the context clearly indicates otherwise, the following words
32 as used in this chapter shall have the meaning herein prescribed:

33 (1) "Clerk" as used in this chapter includes the officer performing
34 the functions of a finance or budget director, comptroller, auditor, or
35 by whatever title he or she may be known in any city or town.

36 (2) "Department" as used in this chapter includes each office,

1 division, service, system or institution of the city or town for which
2 no other statutory or charter provision is made for budgeting and
3 accounting procedures or controls.

4 (3) "Legislative body" as used in this chapter includes council,
5 commission or any other group of officials serving as the legislative
6 body of a city or town.

7 (4) "Chief administrative officer" as used in this chapter includes
8 the mayor of cities or towns having a mayor-council form of government,
9 the commissioners in cities or towns having a commission form of
10 government, the city manager, or any other city or town official
11 designated by the charter or ordinances of such city or town under the
12 plan of government governing the same, or the budget or finance officer
13 designated by the mayor, manager or commissioners, to perform the
14 functions, or portions thereof, contemplated by this chapter.

15 (5) "Fiscal year" as used in this chapter means that fiscal period
16 set by the city or town pursuant to authority given under RCW 1.16.030.

17 (6) "Fund", as used in this chapter and "funds" where clearly used
18 to indicate the plural of "fund", shall mean the budgeting or
19 accounting entity authorized to provide a sum of money for specified
20 activities or purposes.

21 (7) "Funds" as used in this chapter where not used to indicate the
22 plural of "fund" shall mean money in hand or available for expenditure
23 or payment of a debt or obligation.

24 (8) Except as otherwise defined herein, municipal accounting terms
25 used in this chapter shall have the meaning prescribed by the state
26 auditor pursuant to RCW 43.09.200.

27 **Sec. 2068.** RCW 35.33.055 and 1969 ex.s. c 95 s 6 are each amended
28 to read as follows:

29 The chief administrative officer shall prepare the preliminary
30 budget in detail, making any revisions or additions to the reports of
31 the department heads deemed advisable by such chief administrative
32 officer and at least sixty days before the beginning of the city's or
33 town's next fiscal year he or she shall file it with the clerk as the
34 recommendation of the chief administrative officer for the final
35 budget. The clerk shall provide a sufficient number of copies of such
36 preliminary budget and budget message to meet the reasonable demands of

1 taxpayers therefor and have them available for distribution not later
2 than six weeks before the beginning of the city's or town's next fiscal
3 year.

4 **Sec. 2069.** RCW 35.33.135 and 1969 ex.s. c 95 s 20 are each amended
5 to read as follows:

6 At a time fixed by the city's or town's ordinance or city charter,
7 not later than the first Monday in October of each year, the chief
8 administrative officer shall provide the city's or town's legislative
9 body with current information on estimates of revenues from all sources
10 as adopted in the budget for the current year, together with estimates
11 submitted by the clerk under RCW 35.33.051. The city's or town's
12 legislative body and the city's or town's administrative officer or his
13 or her designated representative shall consider the city's or town's
14 total anticipated financial requirements for the ensuing fiscal year,
15 and the legislative body shall determine and fix by ordinance the
16 amount to be raised by ad valorem taxes. Upon adoption of the
17 ordinance fixing the amount of ad valorem taxes to be levied, the clerk
18 shall certify the same to the board of county commissioners as required
19 by RCW 84.52.020.

20 **Sec. 2070.** RCW 35.33.170 and 1969 ex.s. c 95 s 25 are each amended
21 to read as follows:

22 Upon the conviction of any city or town official, department head
23 or other city or town employee of knowingly failing, or refusing,
24 without just cause, to perform any duty imposed upon such officer or
25 employee by this chapter, or city charter or city or town ordinance, in
26 connection with the giving of notice, the preparing and filing of
27 estimates of revenues or expenditures or other information required for
28 preparing a budget report in the time and manner required, or of
29 knowingly making expenditures in excess of budget appropriations, he or
30 she shall be guilty of a misdemeanor and shall be fined not more than
31 five hundred dollars for each separate violation.

32 **Sec. 2071.** RCW 35.36.010 and 1965 c 7 s 35.36.010 are each amended
33 to read as follows:

34 The mayor, city comptroller and city clerk of every city of the

1 first class may each severally designate one or more bonded persons to
2 affix his or her signature to any bond or bonds requiring his or her
3 signature.

4 If the signature of one of these officers is affixed to a bond
5 during his or her continuance in office by a proxy designated by him or
6 her whose authority has not been revoked, the bond shall be as binding
7 upon the city and all concerned as though the officer had signed the
8 bond in person.

9 This chapter shall apply to all bonds, whether they constitute
10 obligations of the city as a whole or of any local improvement or other
11 district or subdivision thereof, whether they call for payment from the
12 general funds of the city or from a local, special or other fund, and
13 whether negotiable or otherwise.

14 **Sec. 2072.** RCW 35.36.050 and 1965 c 7 s 35.36.050 are each amended
15 to read as follows:

16 A mayor, comptroller, or clerk authorizing the affixing of his or
17 her signature to a bond by a proxy shall be subject to the same
18 liability personally and on his or her bond for any signature so
19 affixed and to the same extent as if he or she had affixed his or her
20 signature in person.

21 **Sec. 2073.** RCW 35.36.060 and 1965 c 7 s 35.36.060 are each amended
22 to read as follows:

23 In order to designate a proxy to affix his or her signature to
24 bonds, a mayor, comptroller, or clerk shall address a written notice to
25 the governing body of the city giving the name of the person whom he or
26 she has selected therefor and stating generally or specifically what
27 bonds are to be so signed.

28 Attached to or included in the notice shall be a written signature
29 of the officer making the designation executed by the proposed proxy
30 followed by the word "by" and his or her own signature; or, if the
31 notice so states, the specimen signatures may consist of a facsimile
32 reproduction of the officer's signature impressed by some mechanical
33 process followed by the word "by" and the proxy's own signature.

34 If the authority is intended to include the signature upon bonds
35 bearing an earlier date than the effective date of the notice, the

1 prior dated bonds must be specifically described by reasonable
2 reference thereto.

3 The notice designating a proxy shall be filed with the city
4 comptroller or city clerk, together with the specimen signatures
5 attached thereto and a record of the filing shall be made in the
6 journal of the governing body. This record shall note the date and
7 hour of filing and may be made by the official who keeps the journal at
8 any time after filing of the notice, even during a period of recess or
9 adjournment of the governing body. The notice shall be effective from
10 the time of its recording.

11 **Sec. 2074.** RCW 35.37.120 and 1983 c 167 s 38 are each amended to
12 read as follows:

13 If the council of any city or town which has issued general
14 indebtedness bonds fails to make any levy necessary to make principal
15 or interest payments due on the bonds, the owner of any bond or
16 interest payment which has been presented to the treasurer and payment
17 thereof refused because of the failure to make a levy may file the bond
18 together with any unpaid coupons with the county auditor, taking his or
19 her receipt therefor.

20 The county auditor shall register bonds so filed, and the county
21 legislative authority at its next session at which it levies the annual
22 county tax shall add to the city's or town's levy a sum sufficient to
23 realize the amount of principal and interest past due and to become due
24 prior to the next annual levy to be collected and held by the county
25 treasurer and paid out only upon warrants drawn by the county auditor
26 as the payments mature in favor of the owner of the bond as shown by
27 the auditor's register. Similar levies shall be made in each
28 succeeding year until the bonds and any coupons or interest payments
29 are fully satisfied.

30 This remedy is alternative and in addition to any other remedy
31 which the owner of such a bond or coupon may have.

32 **Sec. 2075.** RCW 35.38.050 and 1965 c 7 s 35.38.050 are each amended
33 to read as follows:

34 The foregoing provisions of this chapter shall in no way affect the
35 duty of a city or town treasurer to give bond to the city or town for

1 the faithful performance of his or her duties in such amount as may be
2 fixed by the city or town council or other governing body by ordinance.

3 **Sec. 2076.** RCW 35.39.060 and 1982 c 166 s 1 are each amended to
4 read as follows:

5 Any city or town now or hereafter operating an employees' pension
6 system with the approval of the board otherwise responsible for
7 management of its respective funds may invest, reinvest, manage,
8 contract, sell, or exchange investments acquired. Investments shall be
9 made in accordance with investment policy duly established and
10 published by the board. In discharging its duties under this section,
11 the board shall act with the care, skill, prudence, and diligence under
12 the circumstances then prevailing that a prudent man or woman acting in
13 a like capacity and familiar with such matters would use in the conduct
14 of an enterprise of a like character and with like aims; shall
15 diversify the investments of the employees' pension system so as to
16 minimize the risk of large losses; and shall act in accordance with the
17 documents and instruments governing the employees' pension system,
18 insofar as such documents and instruments are consistent with the
19 provisions of this title.

20 **Sec. 2077.** RCW 35.44.190 and 1985 c 397 s 9 are each amended to
21 read as follows:

22 Whenever any assessment roll for local improvements has been
23 confirmed by the council, the regularity, validity, and correctness of
24 the proceedings relating to the improvement and to the assessment
25 therefor, including the action of the council upon the assessment roll
26 and the confirmation thereof shall be conclusive in all things upon all
27 parties. They cannot in any manner be contested or questioned in any
28 proceeding by any person unless he or she filed written objections to
29 the assessment roll in the manner and within the time required by the
30 provisions of this chapter and unless he or she prosecutes his or her
31 appeal in the manner and within the time required by the provisions of
32 this chapter.

33 No proceeding of any kind shall be commenced or prosecuted for the
34 purpose of defeating or contesting any assessment or the sale of any
35 property to pay an assessment or any certificate of delinquency issued
36 therefor, or the foreclosure of any lien therefor, except that

1 injunction proceedings may be brought to prevent the sale of any real
2 estate upon the ground (1) that the property about to be sold does not
3 appear upon the assessment roll or, (2) that the assessment has been
4 paid.

5 If federal, local, or state funds become available for a local
6 improvement after the assessment roll has been confirmed by the city
7 legislative authority, the funds may be used to lower the assessments
8 on a uniform basis. Any adjustments to the assessments because of the
9 availability of federal or state funds may be made on the next annual
10 payment.

11 **Sec. 2078.** RCW 35.44.220 and 1971 ex.s. c 116 s 3 are each amended
12 to read as follows:

13 At the time of filing the notice of appeal with the clerk of the
14 superior court, the appellant shall execute and file with him or her a
15 sufficient bond in the penal sum of two hundred dollars, with at least
16 two sureties to be approved by the judge of the court, conditioned to
17 prosecute the appeal without delay and, if unsuccessful, to pay all
18 reasonable costs and expenses which the city or town incurs by reason
19 of the appeal. Upon application therefor, the court may order the
20 appellant to execute and file such additional bonds as the necessity of
21 the case may require.

22 **Sec. 2079.** RCW 35.44.230 and 1971 c 81 s 90 are each amended to
23 read as follows:

24 Within ten days from the filing of the notice of appeal, the
25 appellant shall file with the clerk of the superior court a transcript
26 consisting of the assessment roll and his or her objections thereto,
27 together with the ordinance confirming the assessment roll and the
28 record of the council with reference to the assessment. This
29 transcript, upon payment of the necessary fees therefor, shall be
30 furnished by the city or town clerk and shall be certified by him or
31 her to contain full, true and correct copies of all matters and
32 proceedings required to be included in the transcript. The fees
33 payable therefor shall be the same as those payable to the clerk of the
34 superior court for the preparation and certification of transcripts on
35 appeal to the supreme court or the court of appeals in civil actions.

1 **Sec. 2080.** RCW 35.44.270 and 1988 c 202 s 37 are each amended to
2 read as follows:

3 A certified copy of the decision of the superior court pertaining
4 to assessments for local improvements shall be filed with the officer
5 having custody of the assessment roll and he or she shall modify and
6 correct the assessment roll in accordance with the decision. In the
7 event appellate review of the decision is sought, a certified copy of
8 the court's order shall be filed with the officer having custody of the
9 assessment roll and the officer shall thereupon modify and correct the
10 assessment roll in accordance with the order.

11 **Sec. 2081.** RCW 35.45.080 and 2002 c 41 s 3 are each amended to
12 read as follows:

13 If a city or town fails to pay any bonds or to promptly collect any
14 local improvement assessments when due, the owner of the bonds may
15 proceed in his or her own name to collect the assessment and foreclose
16 the lien thereof in any court of competent jurisdiction and shall
17 recover in addition to the amount of the bond and interest thereon,
18 five percent, together with the cost of suit. Any number of holders of
19 bonds for any single improvement may join as plaintiffs and any number
20 of owners of property upon which the assessments are liens may be
21 joined as defendants in the same suit.

22 The owners of local improvement bonds issued by a city or town
23 after the creation of a local improvement guaranty fund therein, shall
24 also have recourse against the local improvement guaranty fund of such
25 city or town unless the ordinance under which the bonds were issued
26 provides that the bonds are not secured by the local improvement
27 guaranty fund.

28 **Sec. 2082.** RCW 35.45.090 and 1965 c 7 s 35.45.090 are each amended
29 to read as follows:

30 Any funds in the treasury of any municipal corporation belonging to
31 the fund of any local improvement district after the payment of the
32 whole cost and expense of such improvement, in excess of the total sum
33 required to defray all the expenditures by such municipal corporation
34 on account thereof, shall be refunded, on demand, to the payers into
35 such fund. Each such payer shall be entitled to such proportion of
36 such excess as his or her original assessment bears to the entire

1 original assessment levied for such improvement. Such municipal
2 corporation may, after one year from the date on which the last
3 installment becomes due, transfer any balance remaining on hand to the
4 general fund of such municipal corporation, but shall, notwithstanding
5 such transfer remain liable for the refund herein provided for until
6 such refund shall have been made, unless the actual cost involved in
7 making such refund shall exceed the excess in such fund.

8 Such demand shall be made in writing to the treasurer of such
9 municipal corporation. No action shall be commenced in any court to
10 obtain any such refund, except upon such demand, and until ninety days
11 after making such demand. No excess shall be recovered in any action
12 where the excess in the fund does not average the sum of one dollar in
13 favor of all payers into such fund.

14 This section shall not be deemed to require the refunding of any
15 balance left in any local improvement fund after the payment of all
16 outstanding obligations issued against such fund, where such balance
17 accrues from any saving in interest or from penalties collected upon
18 delinquent assessments, but any such balance, whether accruing
19 heretofore or hereafter, may be turned into the general fund or
20 otherwise disposed of, as the legislative authority of the city may
21 direct.

22 The provisions of this chapter relating to the refund of excess
23 local improvement district funds shall not apply to any district whose
24 obligations are guaranteed by the local improvement guaranty fund.

25 **Sec. 2083.** RCW 35.45.130 and 1981 c 323 s 3 are each amended to
26 read as follows:

27 Every city and town may provide by ordinance for the issuance of
28 warrants in payment of the cost and expense of any local improvement,
29 payable out of the local improvement district fund. The warrants shall
30 bear interest at a rate or rates established by the issuing officer
31 under the direction of the legislative authority of the city or town
32 and shall be redeemed either in cash or by local improvement bonds for
33 the same improvement authorized by ordinance.

34 All warrants against any local improvement fund sold by the city or
35 town or issued to a contractor and by him or her sold or hypothecated
36 for a valuable consideration shall be claims and liens against the
37 improvement fund against which they are drawn prior and superior to any

1 right, lien, or claim of any surety upon the bond or bonds given to the
2 city or town by or for the contractor to secure the performance of his
3 or her contract or to secure the payment of persons who have performed
4 work thereon, furnished materials therefor, or provisions and supplies
5 for the carrying on of the work.

6 **Sec. 2084.** RCW 35.45.150 and 1983 c 167 s 44 are each amended to
7 read as follows:

8 In addition to the issuance of bonds and warrants in payment of the
9 cost and expense of any local improvement, any city or town may also
10 issue and sell installment notes payable out of the local improvement
11 district fund. Such installment notes may be issued any time after the
12 thirty day period allowed by law for the payment of assessments of any
13 district without penalty or interest, and may bear any denomination or
14 denominations, the aggregate of which shall represent the balance of
15 the cost and expense of the local improvement district which is to be
16 borne by the property owners therein.

17 Application of local improvement district funds for the reduction
18 of the principal and interest amounts due on any notes herein provided
19 to finance said improvement shall be made not less than once each year
20 beginning with the issue date thereof. Appropriate notification of
21 such application of funds shall be made by the city or town treasurer
22 to the registered payees of said notes, except those notes owned by
23 funds of the issuing municipality. Such notes may be registered as
24 provided in RCW 39.46.030. If more than one local improvement
25 installment note is issued for a single district, said notes shall be
26 numbered consecutively. All notes issued shall bear on the face
27 thereof: (1) The name of the payee; (2) the number of the local
28 improvement district from whose funds the notes are payable; (3) the
29 date of issue of each note; (4) the date on which the note, or the
30 final installment thereon shall become due; (5) the rate or rates of
31 interest, as provided by the city or town legislative authority, to be
32 paid on the unpaid balance thereof, and; (6) such manual or facsimile
33 signatures and attestations as are required by state statute or city
34 charter to appear on the warrants of each issuing municipality.

35 The reverse side of each installment note issued pursuant to this
36 section shall bear a tabular payment record which shall indicate at
37 prescribed installment dates, the receipt of any local improvement

1 district funds for the purpose of servicing the debt evidenced by said
2 notes. Such receipts shall first be applied toward the interest due on
3 the unpaid balance of the note, and any additional moneys shall
4 thereafter apply as a reduction of the principal amount thereof. The
5 tabular payment record shall, in addition to the above, show the unpaid
6 principal balance due on each installment note, together with
7 sufficient space opposite each transaction affecting said note for the
8 manual signature of the city's or town's clerk, treasurer or other
9 properly designated receiving officer of the municipality, or of any
10 other registered payee presenting said note for such installment
11 payments.

12 Whenever there are insufficient funds in a local improvement
13 district to meet any payment of installment interest due on any note
14 herein authorized, a noninterest-bearing defaulted installment interest
15 certificate shall be issued by the city or town treasurer which shall
16 consist of a written statement certifying the amount of such defaulted
17 interest installment; the name of the payee of the note to whom the
18 interest is due and the number of the local improvement district from
19 whose funds the note and interest thereon is payable. Such
20 certificates may be registered as provided in RCW 39.46.030. The
21 certificate herein provided shall bear the manual signature of the city
22 or town treasurer or his or her authorized agent. The defaulted
23 installment interest certificate so issued shall be redeemed for the
24 face amount thereof with any available funds in the local improvement
25 guaranty fund.

26 Whenever at the date of maturity of any installment note issued
27 pursuant to this section, there are insufficient funds in a local
28 improvement district, due to delinquencies in the collection of
29 assessments, to pay the final installment of the principal due thereon,
30 the note shall be redeemed with any available funds in the local
31 improvement guaranty fund for the amount of said final installment.

32 All certificates and notes issued pursuant to this section are to
33 become subject to the same redemption privileges as apply to any local
34 improvement district bonds and warrants now accorded the protection of
35 the local improvement guaranty fund as provided in chapter 35.54 RCW,
36 and whenever the certificates or notes issued as herein provided are
37 redeemed by said local improvement guaranty fund, they shall be held

1 therein as investments thereof in the same manner as prescribed for
2 other defaulted local improvement district obligations.

3 Notwithstanding any other statutory provisions, local improvement
4 installment notes authorized by this section which are within the
5 protection of the local improvement guaranty fund law shall be
6 considered legal investments for any available surplus funds of the
7 issuing municipality which now or hereafter may be authorized to be
8 invested in the city's or town's local improvement districts' bonds or
9 warrants and shall be considered legal investments for all national and
10 state banks, savings and loan institutions, and any and all other
11 commercial banking or financial institutions to the same extent that
12 the local improvement district bonds and any coupons issued pursuant to
13 the provisions of this chapter have been and are legal investments for
14 such institutions. Any such local improvement installment notes may be
15 transferred or sold by said city or town upon such terms or conditions
16 and in such manner as the local governing body of said city or town may
17 determine, or may be issued to another fund of the city or town:
18 PROVIDED, HOWEVER, That the same shall not be sold at less than par
19 plus accrued interest.

20 Notwithstanding the provisions of this section, such notes and
21 certificates may be issued, and such notes may be sold, in accordance
22 with chapter 39.46 RCW.

23 **Sec. 2085.** RCW 35.49.010 and 1972 ex.s. c 137 s 1 are each amended
24 to read as follows:

25 All assessments for local improvements in local improvement
26 districts shall be collected by the city treasurer and shall be kept in
27 a separate fund to be known as "local improvement fund, district No.
28" and shall be used for no other purpose than the redemption of
29 warrants drawn upon and bonds issued against the fund to provide
30 payment for the cost and expense of the improvement.

31 All assessments for local improvements in a utility local
32 improvement district shall be collected by the city treasurer, shall be
33 paid into the appropriate revenue bond fund, and shall be used for no
34 other purpose than the redemption of revenue bonds issued to provide
35 funds for the cost and expense of the improvement.

36 As soon as the assessment roll has been placed in the hands of the
37 city or town treasurer for collection, he or she shall publish a notice

1 in the official newspaper of the city or town once a week for two
2 consecutive weeks, that the roll is in his or her hands for collection
3 and that all or any portion of the assessment may be paid within thirty
4 days from the date of the first publication of the notice without
5 penalty, interest or costs.

6 Within fifteen days of the first newspaper publication, the city or
7 town treasurer shall notify each owner or reputed owner whose name
8 appears on the assessment roll, at the address shown on the tax rolls
9 of the county treasurer for each item of property described on the
10 list, of the nature of the assessment, of the amount of his or her real
11 property subject to such assessment, of the total amount of assessment
12 due, and of the time during which such assessment may be paid without
13 penalty, interest, or costs.

14 **Sec. 2086.** RCW 35.49.040 and 1965 c 7 s 35.49.040 are each amended
15 to read as follows:

16 The owner of any lot, tract, or parcel of land or other property
17 charged with local improvement assessment may redeem it from all or any
18 portion thereof by paying to the city or town treasurer all or any
19 portion thereof without interest within thirty days after the first
20 publication by the treasurer of notice that the assessment roll is in
21 his or her hands for collection.

22 **Sec. 2087.** RCW 35.49.090 and 1965 c 7 s 35.49.090 are each amended
23 to read as follows:

24 If any assessment for a local improvement, or an installment
25 thereof, or judgment for either of them is paid, or a certificate of
26 sale for either of them is redeemed by a joint owner of any of the
27 property so assessed, he or she may, after demand and refusal, recover
28 from his or her co-owners, by an action brought in superior court, the
29 respective portions of the payment which each co-owner should bear. He
30 or she shall have a lien upon the undivided interests of his or her co-
31 owners from the date of the payment made by him or her and in the
32 action shall recover interest at ten percent from the date of payment
33 by him or her and the costs of the action in addition to the principal
34 sum due him or her.

1 **Sec. 2088.** RCW 35.49.100 and 1965 c 7 s 35.49.100 are each amended
2 to read as follows:

3 If, through error or inadvertence, a person pays any assessment for
4 a local improvement or an installment thereof upon the lands of
5 another, he or she may, after demand and refusal, recover from the
6 owner of such lands, by an action in the superior court, the amount so
7 paid and the costs of the action.

8 **Sec. 2089.** RCW 35.50.005 and 1969 ex.s. c 258 s 16 are each
9 amended to read as follows:

10 Within fifteen days after any city or town has ordered a local
11 improvement and created a local improvement district, the city or town
12 shall cause to be filed with the officer authorized by law to collect
13 the assessments for such improvement, the title of the improvement and
14 district number and a copy of the diagram or print showing the
15 boundaries of the district and preliminary assessment roll or abstract
16 of same showing thereon the lots, tracts and parcels of land that will
17 be specially benefited thereby and the estimated cost and expense of
18 such improvement to be borne by each lot, tract, or parcel of land.
19 Such officer shall immediately post the proposed assessment roll upon
20 his or her index of local improvement assessments against the
21 properties affected by the local improvement.

22 **Sec. 2090.** RCW 35.50.225 and 1982 c 91 s 6 are each amended to
23 read as follows:

24 In foreclosing local improvement assessments, the summons shall be
25 substantially in the following form:

26 SUPERIOR COURT OF WASHINGTON
27 FOR [.....] COUNTY

| | | |
|--|---|--|
| <p>28 ,</p> <p>29 <i>Plaintiff,</i></p> <p>30 v.</p> <p>31 ,</p> <p>32 <i>Defendant.</i></p> | } | <p>No.....</p> <p>SUMMONS FOR FORECLOSURE</p> <p>OF LOCAL IMPROVEMENT</p> <p>ASSESSMENT LIEN</p> |
|--|---|--|

33 To the Defendant: A lawsuit has been started against you in the
34 above entitled court by , plaintiff. Plaintiff's claim is

1 stated in the written complaint, a copy of which is served upon you
2 with this summons. The purpose of this suit is to foreclose on your
3 interest in the following described property:

4 [legal description]

5 which is located at:

6 [street address]

7 In order to defend against this lawsuit, you must respond to the
8 complaint by stating your defense in writing, and by serving a copy
9 upon the person signing this summons within ((20)) twenty days after
10 the service of this summons, excluding the day of service, or a default
11 judgment may be entered against you without notice. A default judgment
12 is one where plaintiff is entitled to what he or she asks for because
13 you have not responded. If you serve a notice of appearance on the
14 undersigned person, you are entitled to notice before a default
15 judgment may be entered.

16 IMPORTANT NOTICE

17 If judgment is taken against you, either by default or after
18 hearing by the court, your property will be sold at public auction.

19 You may prevent the sale by paying the amount of the judgment at
20 any time prior to the sale.

21 If your property is sold, you may redeem the property at any time
22 up to two years after the date of the sale, by paying the amount for
23 which the property was sold, plus interest and costs of the sale.

24 If you wish to seek the advice of an attorney in this matter, you
25 should do so promptly so that your written response, if any, may be
26 served on time.

27 [signed]

28

29 Print or Type Name

30 () Plaintiff () Plaintiff's

31 Attorney

32 P.O. Address

33 Dated Telephone Number

34 **Sec. 2091.** RCW 35.53.070 and 1967 c 52 s 23 are each amended to
35 read as follows:

1 In such an action the court after acquiring jurisdiction shall
2 proceed as in the case of a receivership except that the city or town
3 shall serve as trustee in lieu of a receiver.

4 The assets of the improvement districts involved shall be sold at
5 such prices and in such manner as the court may deem advisable and be
6 applied to the costs and expenses of the action and the liquidation of
7 the bonds and warrants of the districts or revenue bonds to which
8 utility local improvement assessments are pledged to pay.

9 No notice to present claims other than the summons in the action
10 shall be necessary. Any claim presented shall be accompanied by the
11 bonds and warrants upon which it is based. Dividends upon any bonds or
12 warrants for which no claim was filed shall be paid into the general
13 fund of the city or town, but the owner thereof may obtain it at any
14 time within five years thereafter upon surrender and cancellation of
15 his or her bonds and warrants.

16 Upon the termination of the receivership the city or town shall be
17 discharged from all trusts relating to the property, funds, bonds, and
18 warrants involved in the action.

19 **Sec. 2092.** RCW 35.54.100 and 1972 ex.s. c 137 s 3 are each amended
20 to read as follows:

21 Whenever payment of a local improvement district assessment is
22 deferred pursuant to the provisions of RCW 35.43.250 the amount of the
23 deferred assessment shall be paid out of the local improvement guaranty
24 fund. The local improvement guaranty fund shall have a lien on the
25 benefited property in an amount equal to the deferral together with
26 interest as provided for by the establishing ordinance.

27 The lien may accumulate up to an amount not to exceed the sum of
28 two installments: PROVIDED, That the ordinance creating the local
29 improvement district may provide for one or additional deferrals of up
30 to two installments. Local improvement assessment obligations deferred
31 under chapter 137, Laws of 1972 ex. sess. shall become payable upon the
32 earliest of the following dates:

33 (1) Upon the date and pursuant to conditions established by the
34 political subdivision granting the deferral; or

35 (2) Upon the sale of property which has a deferred assessment lien
36 upon it from the purchase price; or

1 (3) Upon the death of the person to whom the deferral was granted
2 from the value of his or her estate; except a surviving spouse shall be
3 allowed to continue the deferral which shall then be payable by that
4 spouse as provided in this section.

5 **Sec. 2093.** RCW 35.55.070 and 1965 c 7 s 35.55.070 are each amended
6 to read as follows:

7 When such assessment roll has been prepared it shall be filed in
8 the office of the city clerk and thereupon the city clerk shall give
9 notice by publication in at least three issues of the official paper
10 that such roll is on file in his or her office and that at a date
11 mentioned in said notice, which shall be at least twenty days after the
12 date of the first publication thereof, the city council will sit as a
13 board of equalization to equalize said roll and to hear, consider and
14 determine protests and objections against the same.

15 At the time specified in the notice, the city council shall sit as
16 a board of equalization to equalize the roll and they may adjourn the
17 sitting from time to time until the equalization of such roll is
18 completed. The city council as board of equalization may hear,
19 consider and determine objections and protests against any assessment
20 and may make such alterations and modifications in the assessment roll
21 as justice and equity may require.

22 **Sec. 2094.** RCW 35.56.040 and 1965 c 7 s 35.56.040 are each amended
23 to read as follows:

24 Upon the introduction of an ordinance providing for such fill, if
25 the city council or commission desires to proceed, it shall fix a time,
26 not less than ten days, in which protests against said fill may be
27 filed in the office of the city clerk. Thereupon it shall be the duty
28 of the clerk of said city to publish in the official newspaper of said
29 city in at least two consecutive issues thereof before the time fixed
30 for the filing of protests, a notice of the time fixed for the filing
31 of protests together with a copy of the proposed ordinance as
32 introduced.

33 Protests against the proposed fill to be effective must be filed by
34 the owners of more than half of the area of land situated within the
35 proposed filling district exclusive of streets, alleys and public
36 places on or before the date fixed for such filing. If an effective

1 protest is filed the council shall not proceed further unless two-
2 thirds of the members of the city council vote to proceed with the
3 work; if the city is operating under a commission form of government
4 composed of three commissioners, the commission shall not proceed
5 further except by a unanimous affirmative vote of all the members
6 thereof, if the commission is composed of five members, at least four
7 affirmative votes thereof shall be necessary before proceeding.

8 If no effective protest is filed or if an effective protest is
9 filed and two-thirds of the (~~councilmen~~) councilmembers vote to
10 proceed with the work or in cases where cities are operating under the
11 commission form of government, the commissioners vote unanimously or
12 four out of five commissioners vote to proceed with the work, the city
13 council or commission shall at such meeting or in a succeeding meeting
14 proceed to pass the proposed ordinance for the work, with such
15 amendments and modifications as to the said city council or commission
16 of said city may seem proper. The local improvement district shall be
17 called "filling district No."

18 **Sec. 2095.** RCW 35.56.080 and 1965 c 7 s 35.56.080 are each amended
19 to read as follows:

20 When such assessment roll has been prepared it shall be filed in
21 the office of the city clerk and thereupon the city clerk shall give
22 notice by publication in at least three issues of the official paper
23 that such roll is on file in his or her office and on a date mentioned
24 in said notice, which shall be at least twenty days after the date of
25 the first publication thereof, the city council or commission will sit
26 as a board of equalization to equalize said roll and to hear, consider
27 and determine protests and objections against the same.

28 At the time specified in the notice, the city council or commission
29 shall sit as a board of equalization to equalize the roll and they may
30 adjourn the sitting from time to time until the equalization of such
31 roll is completed. The city council or commission as such board of
32 equalization may hear, consider and determine objections and protests
33 against any assessment and make such alterations and modifications in
34 the assessment roll as justice and equity may require.

35 **Sec. 2096.** RCW 35.56.140 and 1965 c 7 s 35.56.140 are each amended
36 to read as follows:

1 The city may guarantee the payment of the whole or any part of the
2 bonds issued against a local improvement district, but the guaranties
3 on the part of the city shall be made only by ordinance passed by the
4 vote of not less than two-thirds of the (~~councilmen~~) councilmembers
5 and the approval of the mayor, or three commissioners in case the
6 governing body consist of three commissioners, or four where such city
7 is governed by five commissioners.

8 **Sec. 2097.** RCW 35.58.070 and 1965 c 7 s 35.58.070 are each amended
9 to read as follows:

10 A metropolitan municipal corporation may be created by vote of the
11 qualified electors residing in a metropolitan area in the manner
12 provided in this chapter. An election to authorize the creation of a
13 metropolitan municipal corporation may be called pursuant to resolution
14 or petition in the following manner:

15 (1) A resolution or concurring resolutions calling for such an
16 election may be adopted by either:

17 (a) The city council of a central city; or

18 (b) The city councils of two or more component cities other than a
19 central city; or

20 (c) The board of commissioners of a central county.

21 A certified copy of such resolution or certified copies of such
22 concurring resolutions shall be transmitted to the board of
23 commissioners of the central county.

24 (2) A petition calling for such an election shall be signed by at
25 least four percent of the qualified voters residing within the
26 metropolitan area and shall be filed with the auditor of the central
27 county.

28 Any resolution or petition calling for such an election shall
29 describe the boundaries of the proposed metropolitan area, name the
30 metropolitan function or functions which the metropolitan municipal
31 corporation shall be authorized to perform initially and state that the
32 formation of the metropolitan municipal corporation will be conducive
33 to the welfare and benefit of the persons and property within the
34 metropolitan area. After the filing of a first sufficient petition or
35 resolution with such county auditor or board of county commissioners
36 respectively, action by such auditor or board shall be deferred on any

1 subsequent petition or resolution until after the election has been
2 held pursuant to such first petition or resolution.

3 Upon receipt of such a petition, the auditor shall examine the same
4 and certify to the sufficiency of the signatures thereon. For the
5 purpose of examining the signatures on such petition, the auditor shall
6 be permitted access to the voter registration books of each component
7 county and each component city. No person may withdraw his or her name
8 from a petition after it has been filed with the auditor. Within
9 thirty days following the receipt of such petition, the auditor shall
10 transmit the same to the board of commissioners of the central county,
11 together with his or her certificate as to the sufficiency thereof.

12 **Sec. 2098.** RCW 35.58.100 and 1967 c 105 s 2 are each amended to
13 read as follows:

14 A metropolitan municipal corporation may be authorized to perform
15 one or more metropolitan functions in addition to those which it has
16 previously been authorized to perform, with the approval of the voters
17 at an election, in the manner provided in this section.

18 An election to authorize a metropolitan municipal corporation to
19 perform one or more additional metropolitan functions may be called
20 pursuant to a resolution or a petition in the following manner:

21 (1) A resolution calling for such an election may be adopted by:

22 (a) The city council of the central city; or

23 (b) The city councils of at least one-half in number of the
24 component cities other than the central city; or

25 (c) The board of commissioners of the central county. Such
26 resolution shall be transmitted to the metropolitan council.

27 (2) A petition calling for such an election shall be signed by at
28 least four percent of the registered voters residing within the
29 metropolitan area and shall be filed with the auditor of the central
30 county.

31 Any resolution or petition calling for such an election shall name
32 the additional metropolitan functions which the metropolitan municipal
33 corporation shall be authorized to perform.

34 Upon receipt of such a petition, the auditor shall examine the
35 signatures thereon and certify to the sufficiency thereof. For the
36 purpose of examining the signatures on such petition, the auditor shall
37 be permitted access to all voter registration books of any component

1 county and of all component cities. No person may withdraw his or her
2 name from a petition after it has been filed with the auditor. Within
3 thirty days following the receipt of such petition, the auditor shall
4 transmit the same to the metropolitan council, together with his or her
5 certificate as to the sufficiency of signatures thereon.

6 Upon receipt of a valid resolution or duly certified petition
7 calling for an election on the authorization of the performance of one
8 or more additional metropolitan functions, the metropolitan council
9 shall cause to be called a special election to be held not more than
10 one hundred and twenty days nor less than sixty days following such
11 receipt. Such special election shall be conducted and canvassed as
12 provided in this chapter for an election on the question of forming a
13 metropolitan municipal corporation. The ballot proposition shall be in
14 substantially the following form:

15 "Shall the metropolitan municipal corporation be
16 authorized to perform the additional metropolitan functions of
17 (here insert the title of each of the additional
18 functions to be authorized as set forth in the petition or
19 resolution)?

20 YES
21 NO "

22 If a majority of the persons voting on the proposition shall vote in
23 favor thereof, the metropolitan municipal corporation shall be
24 authorized to perform such additional metropolitan function or
25 functions.

26 **Sec. 2099.** RCW 35.58.130 and 1965 c 7 s 35.58.130 are each amended
27 to read as follows:

28 At the first meeting of the metropolitan council following the
29 formation of a metropolitan municipal corporation, the mayor of the
30 central city shall serve as temporary (~~(chairman)~~) chair. As its first
31 official act the council shall elect a (~~(chairman)~~) chair. The
32 (~~(chairman)~~) chair shall be a voting member of the council and shall
33 preside at all meetings. In the event of his or her absence or
34 inability to act the council shall select one of its members to act as
35 (~~(chairman)~~) chair pro tempore. A majority of all members of the
36 council shall constitute a quorum for the transaction of business. A

1 smaller number of councilmembers than a quorum may adjourn from time to
2 time and may compel the attendance of absent members in such manner and
3 under such penalties as the council may provide. The council shall
4 determine its own rules and order of business, shall provide by
5 resolution for the manner and time of holding all regular and special
6 meetings and shall keep a journal of its proceedings which shall be a
7 public record. Every legislative act of the council of a general or
8 permanent nature shall be by resolution.

9 **Sec. 2100.** RCW 35.58.140 and 1971 ex.s. c 303 s 6 are each amended
10 to read as follows:

11 Each member of a metropolitan council except those selected under
12 the provisions of RCW 35.58.120 (~~((1)(a), (5), (7), and (8))~~), shall
13 hold office at the pleasure of the body which selected him or her.
14 Each member, who shall hold office ex officio, may not hold office
15 after he or she ceases to hold the position of elected county
16 executive, mayor, commissioner, or (~~(councilman))~~ councilmember. The
17 (~~(chairman))~~ chair shall hold office until the second Tuesday in July
18 of each even-numbered year and may, if reelected, serve more than one
19 term. Each member shall hold office until his or her successor has
20 been selected as provided in this chapter.

21 **Sec. 2101.** RCW 35.58.150 and 1984 c 44 s 1 are each amended to
22 read as follows:

23 A vacancy in the office of a member of the metropolitan council
24 shall be filled in the same manner as provided for the original
25 selection. The meeting of mayors to fill a vacancy of the member
26 selected under the provisions of RCW 35.58.120(~~((4))~~) or of special
27 district representatives to fill a vacancy of a member selected under
28 RCW 35.58.120(~~((7))~~) shall be held at such time and place as shall be
29 designated by the (~~(chairman))~~ chair of the metropolitan council after
30 ten days' written notice mailed to the mayors of each of the cities
31 specified in RCW 35.58.120(~~((4))~~) or to the representatives of the
32 special purpose districts specified in RCW 35.58.120(~~((7))~~), whichever
33 is applicable.

34 **Sec. 2102.** RCW 35.58.160 and 1985 c 330 s 1 are each amended to
35 read as follows:

1 The ((~~chairman~~)) chair and committee ((~~chairmen~~)) chairs of the
2 metropolitan council except elected public officials serving on a full-
3 time salaried basis may receive such compensation as the other members
4 of the metropolitan council shall provide. Members of the council
5 other than the ((~~chairman~~)) chair and committee ((~~chairmen~~)) chairs
6 shall receive compensation of fifty dollars per day or portion thereof
7 for attendance at metropolitan council or committee meetings, or for
8 performing other services on behalf of the metropolitan municipal
9 corporation, but not exceeding a total of four thousand eight hundred
10 dollars in any year, in addition to any compensation which they may
11 receive as officers of component cities or counties: PROVIDED, That
12 elected public officers serving in such capacities on a full-time basis
13 shall not receive compensation for attendance at metropolitan, council,
14 or committee meetings, or otherwise performing services on behalf of
15 the metropolitan municipal corporation: PROVIDED FURTHER, That
16 committee ((~~chairmen~~)) chairs shall not receive compensation in any one
17 year greater than one-third of the compensation authorized for the
18 county commissioners or county ((~~councilmen~~)) councilmembers of the
19 central county.

20 Any member of the council may waive all or any portion of his or
21 her compensation payable under this section as to any month or months
22 during his or her term of office, by a written waiver filed with the
23 council as provided in this section. The waiver, to be effective, must
24 be filed any time after the member's selection and prior to the date on
25 which the compensation would otherwise be paid. The waiver shall
26 specify the month or period of months for which it is made.

27 All members of the council shall be reimbursed for expenses
28 actually incurred by them in the conduct of official business for the
29 metropolitan municipal corporation.

30 **Sec. 2103.** RCW 35.58.210 and 1999 c 153 s 33 are each amended to
31 read as follows:

32 If a metropolitan municipal corporation shall be authorized to
33 perform the function of metropolitan water pollution abatement, the
34 metropolitan council shall, prior to the effective date of the
35 assumption of such function, cause a metropolitan water pollution
36 abatement advisory committee to be formed by notifying the legislative
37 body of each component city and county which operates a sewer system to

1 appoint one person to serve on such advisory committee and the board of
2 commissioners of each water-sewer district which operates a sewer
3 system, any portion of which lies within the metropolitan area, to
4 appoint one person to serve on such committee who shall be a
5 commissioner of such a water-sewer district. The metropolitan water
6 pollution abatement advisory committee shall meet at the time and place
7 provided in the notice and elect a ((~~chairman~~)) chair. The members of
8 such committee shall serve at the pleasure of the appointing bodies and
9 shall receive no compensation other than reimbursement for expenses
10 actually incurred in the performance of their duties. The function of
11 such advisory committee shall be to advise the metropolitan council in
12 matters relating to the performance of the water pollution abatement
13 function.

14 **Sec. 2104.** RCW 35.58.230 and 1999 c 153 s 35 are each amended to
15 read as follows:

16 If a metropolitan municipal corporation shall be authorized to
17 perform the function of metropolitan water supply, the metropolitan
18 council shall, prior to the effective date of the assumption of such
19 function, cause a metropolitan water advisory committee to be formed by
20 notifying the legislative body of each component city which operates a
21 water system to appoint one person to serve on such advisory committee
22 and the board of commissioners of each water-sewer district that
23 operates a water system, any portion of which lies within the
24 metropolitan area, to appoint one person to serve on such committee who
25 shall be a water-sewer district commissioner. The metropolitan water
26 advisory committee shall meet at the time and place provided in the
27 notice and elect a ((~~chairman~~)) chair. The members of such committee
28 shall serve at the pleasure of the appointing bodies and shall receive
29 no compensation other than reimbursement for expenses actually incurred
30 in the performance of their duties. The function of such advisory
31 committee shall be to advise the metropolitan council with respect to
32 matters relating to the performance of the water supply function.

33 The requirement to create a metropolitan water advisory committee
34 shall not apply to a county that has assumed the rights, powers,
35 functions, and obligations of the metropolitan municipal corporation
36 under chapter 36.56 RCW.

1 **Sec. 2105.** RCW 35.58.265 and 1965 c 91 s 1 are each amended to
2 read as follows:

3 If a metropolitan municipal corporation shall perform the
4 metropolitan transportation function and shall acquire any existing
5 transportation system, it shall assume and observe all existing labor
6 contracts relating to such system and, to the extent necessary for
7 operation of facilities, all of the employees of such acquired
8 transportation system whose duties are necessary to operate efficiently
9 the facilities acquired shall be appointed to comparable positions to
10 those which they held at the time of such transfer, and no employee or
11 retired or pensioned employee of such systems shall be placed in any
12 worse position with respect to pension seniority, wages, sick leave,
13 vacation or other benefits that he or she enjoyed as an employee of
14 such system prior to such acquisition. The metropolitan municipal
15 corporation shall engage in collective bargaining with the duly
16 appointed representatives of any employee labor organization having
17 existing contracts with the acquired transportation system and may
18 enter into labor contracts with such employee labor organization.

19 **Sec. 2106.** RCW 35.58.270 and 1993 c 240 s 6 are each amended to
20 read as follows:

21 If a metropolitan municipal corporation shall be authorized to
22 perform the function of metropolitan transportation with a commission
23 form of management, a metropolitan transit commission shall be formed
24 prior to the effective date of the assumption of such function. Except
25 as provided in this section, the metropolitan transit commission shall
26 exercise all powers of the metropolitan municipal corporation with
27 respect to metropolitan transportation facilities, including but not
28 limited to the power to construct, acquire, maintain, operate, extend,
29 alter, repair, control and manage a local public transportation system
30 within and without the metropolitan area, to establish new passenger
31 transportation services and to alter, curtail, or abolish any services
32 as the commission may deem desirable and to fix tolls and fares.

33 The comprehensive plan for public transportation service and any
34 amendments thereof shall be adopted by the metropolitan council and the
35 metropolitan transit commission shall provide transportation facilities
36 and service consistent with such plan. The metropolitan transit
37 commission shall authorize expenditures for transportation purposes

1 within the budget adopted by the metropolitan council. Tolls and fares
2 may be fixed or altered by the commission only after approval thereof
3 by the metropolitan council. Bonds of the metropolitan municipal
4 corporation for public transportation purposes shall be issued by the
5 metropolitan council as provided in this chapter.

6 The metropolitan transit commission shall consist of seven members.
7 Six of such members shall be appointed by the metropolitan council and
8 the seventh member shall be the (~~chairman~~) chair of the metropolitan
9 council who shall be ex officio the (~~chairman~~) chair of the
10 metropolitan transit commission. Three of the six appointed members of
11 the commission shall be residents of the central city and three shall
12 be residents of the metropolitan area outside of the central city. The
13 three central city members of the first metropolitan transit commission
14 shall be selected from the existing transit commission of the central
15 city, if there be a transit commission in such city. The terms of
16 first appointees shall be for one, two, three, four, five and six
17 years, respectively. Thereafter, commissioners shall serve for a term
18 of four years. Compensation of transit commissioners shall be
19 determined by the metropolitan council.

20 The requirement to create a metropolitan transit commission shall
21 not apply to a county that has assumed the rights, powers, functions,
22 and obligations of the metropolitan municipal corporation under chapter
23 36.56 RCW.

24 **Sec. 2107.** RCW 35.58.370 and 1965 c 7 s 35.58.370 are each amended
25 to read as follows:

26 The metropolitan council shall establish and provide for the
27 operation and maintenance of a personnel merit system for the
28 employment, classification, promotion, demotion, suspension, transfer,
29 layoff and discharge of its appointive officers and employees solely on
30 the basis of merit and fitness without regard to political influence or
31 affiliation. The person appointed or body created for the purpose of
32 administering such personnel system shall have power to make, amend and
33 repeal rules and regulations as are deemed necessary for such merit
34 system. Such rules and regulations shall provide:

35 (1) That the person to be discharged or demoted must be presented
36 with the reasons for such discharge or demotion specifically stated;
37 and

1 (2) That he or she shall be allowed a reasonable time in which to
2 reply thereto in writing and that he or she be given a hearing thereon
3 within a reasonable time.

4 **Sec. 2108.** RCW 35.58.390 and 1965 c 7 s 35.58.390 are each amended
5 to read as follows:

6 Where a metropolitan municipal corporation employs a person
7 employed immediately prior thereto by a component city or county, or by
8 a special district, such employee shall be deemed to remain an employee
9 of such city, county, or special district for the purposes of any
10 pension plan of such city, county, or special district, and shall
11 continue to be entitled to all rights and benefits thereunder as if he
12 or she had remained as an employee of the city, county, or special
13 district, until the metropolitan municipal corporation has provided a
14 pension plan and such employee has elected, in writing, to participate
15 therein.

16 Until such election, the metropolitan municipal corporation shall
17 deduct from the remuneration of such employee the amount which such
18 employee is or may be required to pay in accordance with the provisions
19 of the plan of such city, county, or special district and the
20 metropolitan municipal corporation shall pay to the city, county, or
21 special district any amounts required to be paid under the provisions
22 of such plan by employer or employee.

23 **Sec. 2109.** RCW 35.58.400 and 1965 c 7 s 35.58.400 are each amended
24 to read as follows:

25 Where a metropolitan municipal corporation employs a person
26 employed immediately prior thereto by a component city or county or by
27 a special district, the employee shall be deemed to remain an employee
28 of such city, county, or special district for the purposes of any sick
29 leave credit plan of the component city, county, or special district
30 until the metropolitan municipal corporation has established a sick
31 leave credit plan for its employees, whereupon the metropolitan
32 municipal corporation shall place to the credit of the employee the
33 sick leave credits standing to his or her credit in the plan of such
34 city, county, or special district.

35 Where a metropolitan municipal corporation employs a person
36 theretofore employed by a component city, county, or by a special

1 district, the metropolitan municipal corporation shall, during the
2 first year of his or her employment by the metropolitan municipal
3 corporation, provide for such employee a vacation with pay equivalent
4 to that which he or she would have been entitled if he or she had
5 remained in the employment of the city, county, or special district.

6 **Sec. 2110.** RCW 35.58.460 and 1993 c 240 s 14 are each amended to
7 read as follows:

8 (1) A metropolitan municipal corporation may issue revenue bonds to
9 provide funds to carry out its authorized metropolitan water pollution
10 abatement, water supply, garbage disposal or transportation purposes,
11 without submitting the matter to the voters of the metropolitan
12 municipal corporation. The metropolitan council shall create a special
13 fund or funds for the sole purpose of paying the principal of and
14 interest on the bonds of each such issue, into which fund or funds the
15 metropolitan council may obligate the metropolitan municipal
16 corporation to pay such amounts of the gross revenue of the particular
17 utility constructed, acquired, improved, added to, or repaired out of
18 the proceeds of sale of such bonds, as the metropolitan council shall
19 determine and may obligate the metropolitan municipal corporation to
20 pay such amounts out of otherwise unpledged revenue which may be
21 derived from the ownership, use or operation of properties or
22 facilities owned, used or operated incident to the performance of the
23 authorized function for which such bonds are issued or out of otherwise
24 unpledged fees, tolls, charges, tariffs, fares, rentals, special taxes
25 or other sources of payment lawfully authorized for such purpose, as
26 the metropolitan council shall determine. The principal of, and
27 interest on, such bonds shall be payable only out of such special fund
28 or funds, and the owners of such bonds shall have a lien and charge
29 against the gross revenue of such utility or any other revenue, fees,
30 tolls, charges, tariffs, fares, special taxes or other authorized
31 sources pledged to the payment of such bonds.

32 Such revenue bonds and the interest thereon issued against such
33 fund or funds shall be a valid claim of the owners thereof only as
34 against such fund or funds and the revenue pledged therefor, and shall
35 not constitute a general indebtedness of the metropolitan municipal
36 corporation.

1 Each such revenue bond shall state upon its face that it is payable
2 from such special fund or funds, and all revenue bonds issued under
3 this chapter shall be negotiable securities within the provisions of
4 the law of this state. Such revenue bonds may be registered either as
5 to principal only or as to principal and interest as provided in RCW
6 39.46.030, or may be bearer bonds; shall be in such denominations as
7 the metropolitan council shall deem proper; shall be payable at such
8 time or times and at such places as shall be determined by the
9 metropolitan council; shall bear interest at such rate or rates as
10 shall be determined by the metropolitan council; shall be signed by the
11 ((~~chairman~~)) chair and attested by the secretary of the metropolitan
12 council, any of which signatures may be facsimile signatures, and the
13 seal of the metropolitan municipal corporation shall be impressed or
14 imprinted thereon; any attached interest coupons shall be signed by the
15 facsimile signatures of said officials.

16 Such revenue bonds shall be sold in such manner, at such price and
17 at such rate or rates of interest as the metropolitan council shall
18 deem to be for the best interests of the metropolitan municipal
19 corporation, either at public or private sale.

20 The metropolitan council may at the time of the issuance of such
21 revenue bonds make such covenants with the owners of said bonds as it
22 may deem necessary to secure and guarantee the payment of the principal
23 thereof and the interest thereon, including but not being limited to
24 covenants to set aside adequate reserves to secure or guarantee the
25 payment of such principal and interest, to maintain rates sufficient to
26 pay such principal and interest and to maintain adequate coverage over
27 debt service, to appoint a trustee or trustees for the bond owners to
28 safeguard the expenditure of the proceeds of sale of such bonds and to
29 fix the powers and duties of such trustee or trustees and to make such
30 other covenants as the metropolitan council may deem necessary to
31 accomplish the most advantageous sale of such bonds. The metropolitan
32 council may also provide that revenue bonds payable out of the same
33 source may later be issued on a parity with revenue bonds being issued
34 and sold.

35 The metropolitan council may include in the principal amount of any
36 such revenue bond issue an amount to establish necessary reserves, an
37 amount for working capital and an amount necessary for interest during
38 the period of construction of any such metropolitan facilities plus six

1 months. The metropolitan council may, if it deems it to the best
2 interest of the metropolitan municipal corporation, provide in any
3 contract for the construction or acquisition of any metropolitan
4 facilities or additions or improvements thereto or replacements or
5 extensions thereof that payment therefor shall be made only in such
6 revenue bonds at the par value thereof.

7 If the metropolitan municipal corporation shall fail to carry out
8 or perform any of its obligations or covenants made in the
9 authorization, issuance and sale of such bonds, the owner of any such
10 bond may bring action against the metropolitan municipal corporation
11 and compel the performance of any or all of such covenants.

12 (2) Notwithstanding subsection (1) of this section, such bonds may
13 be issued and sold in accordance with chapter 39.46 RCW.

14 **Sec. 2111.** RCW 35.58.530 and 1993 c 240 s 18 are each amended to
15 read as follows:

16 Territory located within a component county that is annexed to a
17 component city after the establishment of a metropolitan municipal
18 corporation shall by such act be annexed to the metropolitan municipal
19 corporation. Territory within a metropolitan municipal corporation may
20 be annexed to a city which is not within such metropolitan municipal
21 corporation in the manner provided by law and in such event either (1)
22 such city may be annexed to such metropolitan municipal corporation by
23 ordinance of the legislative body of the city concurred in by
24 resolution of the metropolitan council, or (2) if such city shall not
25 be so annexed such territory shall remain within the metropolitan
26 municipal corporation unless such city shall by resolution of its
27 legislative body request the withdrawal of such territory subject to
28 any outstanding indebtedness of the metropolitan corporation and the
29 metropolitan council shall by resolution consent to such withdrawal.

30 Any territory located within a component county that is contiguous
31 to a metropolitan municipal corporation and lying wholly within an
32 incorporated city or town may be annexed to such metropolitan municipal
33 corporation by ordinance of the legislative body of such city or town
34 requesting such annexation concurred in by resolution of the
35 metropolitan council.

36 Any other territory located within a component county that is
37 adjacent to a metropolitan municipal corporation may be annexed thereto

1 by vote of the qualified electors residing in the territory to be
2 annexed, in the manner provided in this chapter. An election to annex
3 such territory may be called pursuant to a petition or resolution in
4 the following manner:

5 (1) A petition calling for such an election shall be signed by at
6 least four percent of the qualified voters residing within the
7 territory to be annexed and shall be filed with the auditor of the
8 central county.

9 (2) A resolution calling for such an election may be adopted by the
10 metropolitan council.

11 Any resolution or petition calling for such an election shall
12 describe the boundaries of the territory to be annexed, and state that
13 the annexation of such territory to the metropolitan municipal
14 corporation will be conducive to the welfare and benefit of the persons
15 or property within the metropolitan municipal corporation and within
16 the territory proposed to be annexed.

17 Upon receipt of such a petition, the auditor shall examine the same
18 and certify to the sufficiency of the signatures thereon. Within
19 thirty days following the receipt of such petition, the auditor shall
20 transmit the same to the metropolitan council, together with his or her
21 certificate as to the sufficiency thereof.

22 **Sec. 2112.** RCW 35.61.230 and 1965 c 7 s 35.61.230 are each amended
23 to read as follows:

24 Any person, firm or corporation feeling aggrieved by the assessment
25 against his or her or its property may file objections with the city
26 council and may appeal from the order confirming the assessment roll in
27 the same manner as objections and appeals are made in regard to local
28 improvements in cities of the first class.

29 **Sec. 2113.** RCW 35.63.020 and 1965 c 7 s 35.63.020 are each amended
30 to read as follows:

31 If any council or board desires to avail itself of the powers
32 conferred by this chapter it shall create a city or county planning
33 commission consisting of from three to twelve members to be appointed
34 by the mayor or (~~chairman~~) chair of the municipality and confirmed by
35 the council or board: PROVIDED, That in cities of the first class
36 having a commission form of government consisting of three or more

1 members, the commissioner of public works shall appoint the planning
2 commission, which appointment shall be confirmed by a majority of the
3 city commissioners. Cities of the first class operating under self-
4 government charters may extend the membership and the duties and powers
5 of its commission beyond those prescribed in this chapter.

6 **Sec. 2114.** RCW 35.63.030 and 1965 c 7 s 35.63.030 are each amended
7 to read as follows:

8 The ordinance, resolution or act creating the commission shall set
9 forth the number of members to be appointed, not more than one-third of
10 which number may be ex officio members by virtue of office held in any
11 municipality. The term of office for ex officio members shall
12 correspond to their respective tenures. The term of office for the
13 first appointive members appointed to such commission shall be
14 designated from one to six years in such manner as to provide that the
15 fewest possible terms will expire in any one year. Thereafter the term
16 of office for each appointive member shall be six years.

17 Vacancies occurring otherwise than through the expiration of terms
18 shall be filled for the unexpired term. Members may be removed, after
19 public hearing, by the appointing official, with the approval of his or
20 her council or board, for inefficiency, neglect of duty or malfeasance
21 in office.

22 The members shall be selected without respect to political
23 affiliations and they shall serve without compensation.

24 **Sec. 2115.** RCW 35.63.040 and 1965 c 7 s 35.63.040 are each amended
25 to read as follows:

26 The commission shall elect its own (~~chairman~~) chair and create
27 and fill such other offices as it may determine it requires. The
28 commission shall hold at least one regular meeting in each month for
29 not less than nine months in each year. It shall adopt rules for
30 transaction of business and shall keep a written record of its
31 meetings, resolutions, transactions, findings and determinations which
32 record shall be a public record.

33 **Sec. 2116.** RCW 35.63.100 and 1967 ex.s. c 144 s 8 are each amended
34 to read as follows:

35 The commission may recommend to its council or board the plan

1 prepared by it as a whole, or may recommend parts of the plan by
2 successive recommendations; the parts corresponding with geographic or
3 political sections, division or subdivisions of the municipality, or
4 with functional subdivisions of the subject matter of the plan, or in
5 the case of counties, with suburban settlement or arterial highway
6 area. It may also prepare and recommend any amendment or extension
7 thereof or addition thereto.

8 Before the recommendation of the initial plan to the municipality
9 the commission shall hold at least one public hearing thereon, giving
10 notice of the time and place by one publication in a newspaper of
11 general circulation in the municipality and in the official gazette, if
12 any, of the municipality.

13 The council may adopt by resolution or ordinance and the board may
14 adopt by resolution the plan recommended to it by the commission, or
15 any part of the plan, as the comprehensive plan.

16 A true copy of the resolution of the board adopting or embodying
17 such plan or any part thereof or any amendment thereto shall be
18 certified by the clerk of the board and filed with the county auditor.
19 A like certified copy of any map or plat referred to or adopted by the
20 county resolution shall likewise be filed with the county auditor. The
21 auditor shall record the resolution and keep on file the map or plat.

22 The original resolution or ordinance of the council adopting or
23 embodying such plan or any part thereof or any amendment thereto shall
24 be certified by the clerk of the city and filed by him or her. The
25 original of any map or plat referred to or adopted by the resolution or
26 ordinance of the council shall likewise be certified by the clerk of
27 the city and filed by him or her. The clerk shall keep on file the
28 resolution or ordinance and map or plat.

29 **Sec. 2117.** RCW 35.68.020 and 1965 c 7 s 35.68.020 are each amended
30 to read as follows:

31 No such improvement shall be undertaken or required except pursuant
32 to a resolution of the council or commission of the city or town,
33 hereinafter referred to as the city council. The resolution shall
34 state whether the cost of the improvement shall be borne by the city or
35 whether all or a specified portion shall be borne by the city or
36 whether all or a specified portion shall be borne by the abutting
37 property owner; or whether the abutting owner is required to construct

1 the improvement at his or her own cost and expense. If the abutting
2 owner is required to construct the improvement the resolution shall
3 specify the time within which the construction shall be commenced and
4 completed; and further that if the improvement or construction is not
5 undertaken and completed within the time specified that the city will
6 perform or complete the improvement and assess the cost against the
7 abutting owner.

8 **Sec. 2118.** RCW 35.69.030 and 1965 c 7 s 35.69.030 are each amended
9 to read as follows:

10 Whenever the city council of any such city has adopted such
11 resolution it shall cause a notice to be served on the owner of the
12 property directly abutting on such portion of such street, instructing
13 him or her to construct or reconstruct a sidewalk on such portion in
14 accordance with the plans and specifications which shall be attached to
15 such notice. The notice shall be deemed sufficiently served if
16 delivered in person to the owner or if left at the home of such owner
17 with a person of suitable age and discretion then resident therein, or
18 with an agent of such owner, authorized to collect rentals on such
19 property, or, if the owner is a nonresident of the state of Washington,
20 by mailing a copy to his or her last known address, or if he or she is
21 unknown or if his or her address is unknown, then by posting a copy in
22 a conspicuous place at such portion of the street where the improvement
23 is to be made. The notice shall specify a reasonable time within which
24 such construction or reconstruction shall be made, and shall state that
25 in case the owner fails to make the same within such time, the city
26 will proceed to make it through the officer or department thereof
27 charged with the inspection of sidewalks and that such officer or
28 department will report to the city council, at a subsequent date, to be
29 definitely stated in the notice, an assessment roll showing the lot or
30 parcel of land directly abutting on such portion of the street so
31 improved, the cost of the improvement, and the name of the owner, if
32 known, and that the city council at the time stated in the notice or at
33 the time or times to which the same may be adjourned, will hear any and
34 all protests against the proposed assessment. Upon the expiration of
35 the time fixed within which the owner is required to construct or
36 reconstruct such sidewalk, if the owner has failed to perform such
37 work, the city may proceed to perform it, and the officer or department

1 of the city performing the work shall, within the time fixed in the
2 notice, report to the city council an assessment roll showing the lot
3 or parcel of land directly abutting on that portion of the street so
4 improved, the cost of the work, and the name of the owner, if known.
5 The city council shall, at the time in such notice designated, or at an
6 adjourned time or times, assess the cost of such improvement against
7 said property and shall fix the time and manner for payment thereof,
8 which said assessment shall become a lien upon said property and shall
9 be collected in the manner as is provided by law for collection of
10 local improvements assessments under this title.

11 **Sec. 2119.** RCW 35.70.030 and 1965 c 7 s 35.70.030 are each amended
12 to read as follows:

13 If in the judgment of the officer or department having
14 superintendence of streets and public places, public convenience or
15 safety requires that a sidewalk be constructed along either side of any
16 street, he or she shall report the fact to the city or town council
17 immediately.

18 **Sec. 2120.** RCW 35.70.040 and 1965 c 7 s 35.70.040 are each amended
19 to read as follows:

20 If upon receiving a report from the proper officer, the city or
21 town council deems the construction of the proposed sidewalk necessary
22 or convenient for the public it shall by an appropriate resolution
23 order the sidewalk constructed and shall cause a written notice to be
24 served upon the owner of each parcel of land abutting upon that portion
25 and side of the street where the sidewalk is constructed requiring him
26 or her to construct the sidewalk in accordance with the resolution.

27 **Sec. 2121.** RCW 35.70.060 and 1985 c 469 s 36 are each amended to
28 read as follows:

29 The notice shall be served:

30 (1) By delivering a copy to the owner or reputed owner of each
31 parcel of land affected, or to the authorized agent of the owners, or

32 (2) By leaving a copy thereof at the usual place of abode of the
33 owner in the city or town with a person of suitable age and discretion
34 residing therein, or

1 (3) If the owner is a nonresident of the city or town and his or
2 her place of residence is known by mailing a copy to the owner
3 addressed to his or her last known place of residence, or

4 (4) If the place of residence of the owner is unknown or if the
5 owner of any parcel of land affected is unknown, by publication in the
6 official newspaper of the city or town once a week for two consecutive
7 weeks. The notice shall specify a reasonable time within which the
8 sidewalk shall be constructed which in the case of publication of the
9 notice shall not be less than sixty days from the date of the first
10 publication of such notice.

11 **Sec. 2122.** RCW 35.71.050 and 1965 c 7 s 35.71.050 are each amended
12 to read as follows:

13 The corporate authority is authorized to engage duly qualified real
14 estate appraisers, for the purpose of determining the value, or legal
15 damages, if any, to any person, owning or having any legal or equitable
16 interest in any real property who contends that he or she would suffer
17 damage if a projected mall were established; in connection therewith
18 the city shall take into account any increment in value that may result
19 from the establishment of the mall. The appraisers shall submit their
20 findings in writing to the chief executive of the city.

21 **Sec. 2123.** RCW 35.77.030 and 1965 c 7 s 35.77.030 are each amended
22 to read as follows:

23 Pursuant to an agreement authorized by RCW 35.77.020, the board of
24 county commissioners may expend funds from the county road fund for the
25 construction, repair, and maintenance of the streets of such city or
26 town and for engineering and administrative services. Payments by a
27 city or town under such an agreement shall be made to the county
28 treasurer and by him or her deposited in the county road fund. Such
29 construction, repair, maintenance, and engineering service shall be
30 ordered by resolution and proceedings conducted in respect thereto in
31 the same manner as provided for the construction, repair, and
32 maintenance of county roads by counties, and for the preparation of
33 maps, plans and specifications, advertising and award of contracts
34 therefor: PROVIDED, That except in case of emergency all construction
35 work performed by a county on city streets pursuant to RCW 35.77.020
36 through 35.77.040, which exceeds ten thousand dollars, shall be done by

1 contract, unless after advertisement and solicitation of competitive
2 bids it appears that bids are unobtainable or that the lowest bid
3 exceeds the amount for which such construction can be done by means
4 other than contract. No street construction project shall be divided
5 into lesser component parts for the purpose of avoiding the
6 requirements for competitive bidding.

7 **Sec. 2124.** RCW 35.82.050 and 1998 c 140 s 3 are each amended to
8 read as follows:

9 (1) No commissioner, employee, or appointee to any decision-making
10 body for the housing authority shall own or hold an interest in any
11 contract or property or engage in any business, transaction, or
12 professional or personal activity, that would:

13 (a) Be, or appear to be, in conflict with the commissioner's,
14 employee's, or appointee's official duties to any decision-making body
15 for the housing authority duties relating to the housing authority
16 served by or subject to the authority of such commissioner, employee,
17 or appointee to any decision-making body for the housing authority;

18 (b) Secure, or appear to secure, unwarranted privileges or
19 advantages for such commissioner, employee, or appointee to any
20 decision-making body for the housing authority, or others; or

21 (c) Prejudice, or appear to prejudice, such commissioner's,
22 employee's, or appointee's to any decision-making body for the housing
23 authority independence of judgment in exercise of his or her official
24 duties relating to the housing authority served by or subject to the
25 authority of the commissioner, employee, or appointee to any decision-
26 making body for the housing authority.

27 (2) No commissioner, employee, or appointee to any decision-making
28 body for the housing authority shall act in an official capacity in any
29 manner in which such commissioner, employee, or appointee to any
30 decision-making body of the housing authority has a direct or indirect
31 financial or personal involvement.

32 (3) No commissioner, employee, or appointee to any decision-making
33 body for the housing authority shall use his or her public office or
34 employment to secure financial gain to such commissioner, employee, or
35 appointee to any decision-making body for the housing authority.

36 (4) If any commissioner or employee of an authority or any
37 appointee to any decision-making body for the housing authority owns or

1 controls an interest direct or indirect in any property included or
2 planned to be included in any housing project, he or she immediately
3 shall disclose the same in writing to the authority and such disclosure
4 shall be entered upon the minutes of the authority. Failure to
5 disclose such interest shall constitute misconduct in office. Upon
6 such disclosure such commissioner, employee, or appointee to any
7 decision-making body for the housing authority shall not participate in
8 any action by the authority affecting such property.

9 (5) No provision of this section shall preclude a tenant of the
10 public housing authority from serving as a commissioner, employee, or
11 appointee to any decision-making body of the housing authority. No
12 provision of this section shall preclude a tenant of the public housing
13 authority who is serving as a commissioner, employee, or appointee to
14 any decision-making body of the housing authority from voting on any
15 issue or decision, or participating in any action by the authority,
16 unless a conflict of interest, as set forth in subsections (1) through
17 (4) of this section, exists as to that particular tenant and the
18 particular property or interest at issue before, or subject to action
19 by the housing authority.

20 **Sec. 2125.** RCW 35.82.060 and 1965 c 7 s 35.82.060 are each amended
21 to read as follows:

22 For inefficiency or neglect of duty or misconduct in office, a
23 commissioner of an authority may be removed by the mayor (or in the
24 case of an authority for a county, by the governing body of said
25 county), but a commissioner shall be removed only after he or she shall
26 have been given a copy of the charges at least ten days prior to the
27 hearing thereon and had an opportunity to be heard in person or by
28 counsel. In the event of the removal of any commissioner, a record of
29 the proceedings, together with the charges and findings thereon, shall
30 be filed in the office of the clerk.

31 **Sec. 2126.** RCW 35.82.180 and 1965 c 7 s 35.82.180 are each amended
32 to read as follows:

33 An authority shall have power by its resolution, trust indenture,
34 mortgage, lease or other contract to confer upon any obligee holding or
35 representing a specified amount in bonds, or holding a lease, the right
36 (in addition to all rights that may otherwise be conferred), upon the

1 happening of an event of default as defined in such resolution or
2 instrument, by suit, action or proceeding in any court of competent
3 jurisdiction:

4 (1) To cause possession of any housing project or any part thereof
5 to be surrendered to any such obligee.

6 (2) To obtain the appointment of a receiver of any housing project
7 of said authority or any part thereof and of the rents and profits
8 therefrom. If such receiver be appointed, he or she may enter and take
9 possession of such housing project or any part thereof and operate and
10 maintain same, and collect and receive all fees, rents, revenues, or
11 other charges thereafter arising therefrom, and shall keep such moneys
12 in a separate account or accounts and apply the same in accordance with
13 the obligations of said authority as the court shall direct.

14 (3) To require said authority and the commissioners thereof to
15 account as if it and they were the trustees of an express trust.

16 **Sec. 2127.** RCW 35.84.050 and 1965 c 7 s 35.84.050 are each amended
17 to read as follows:

18 Whenever a ((~~fireman~~)) firefighter engages in any duty outside the
19 limits of such municipality, such duty shall be considered as part of
20 his or her duty as ((~~fireman~~)) firefighter for the municipality, and a
21 ((~~fireman~~)) firefighter who is injured while engaged in such duties
22 outside the limits of the municipality shall be entitled to the same
23 benefits that he or she or his or her family would be entitled to
24 receive had he or she been injured within the municipality.

25 **Sec. 2128.** RCW 35.86A.060 and 1969 ex.s. c 204 s 6 are each
26 amended to read as follows:

27 The parking commission shall select from its members a ((~~chairman~~))
28 chair, and may establish its own rules, regulations and procedures not
29 inconsistent with this chapter. No resolution shall be adopted by the
30 parking commission except upon the concurrence of at least three
31 members.

32 **Sec. 2129.** RCW 35.88.050 and 1965 c 7 s 35.88.050 are each amended
33 to read as follows:

34 If upon the trial of any person for the violation of any of the
35 provisions of this chapter he or she is found guilty of creating or

1 maintaining a nuisance or of violating any of the provisions of this
2 chapter, he or she shall forthwith abate the nuisance, and if he or she
3 fails so to do within one day after such conviction, unless further
4 time is granted by the court, a warrant shall be issued by the court
5 wherein the conviction was obtained, directed to the sheriff of the
6 county in which such nuisance exists and the sheriff shall forthwith
7 proceed to abate the said nuisance and the cost thereof shall be taxed
8 against the person so convicted as a part of the costs of such case.

9 **Sec. 2130.** RCW 35.88.060 and 1965 c 7 s 35.88.060 are each amended
10 to read as follows:

11 The city health officer, city physician, board of public health,
12 mayor, or any other officer, who has the sanitary condition of the city
13 or town in charge, shall see that the provisions of this chapter are
14 enforced and upon complaint being made to any such officer of an
15 alleged violation, he or she shall immediately investigate the said
16 complaint and if the same appears to be well founded he or she shall
17 file a complaint against the person or persons violating any of the
18 provisions of this chapter and cause their arrest and prosecution.

19 **Sec. 2131.** RCW 35.88.090 and 1979 c 141 s 41 are each amended to
20 read as follows:

21 The secretary of social and health services shall have the power,
22 and it shall be his or her duty, to investigate the system of disposal
23 of sewage, garbage, feculent matter, offal, refuse, filth, or any
24 animal, mineral, or vegetable matter or substance, by cities not
25 located on tidewater, having a population of one hundred thousand or
26 more, and if he or she shall determine upon investigation that any such
27 system or systems of disposal is or may be injurious or dangerous to
28 health, he or she shall have the power, and it shall be his or she
29 duty, to order such city or cities to provide for, construct, and
30 maintain a system or systems of disposal which will not be injurious or
31 dangerous to health.

32 **Sec. 2132.** RCW 35.92.260 and 1965 c 130 s 3 are each amended to
33 read as follows:

34 When a city or town makes local improvements for any of the
35 purposes specified in RCW 35.92.220 and RCW 35.92.230, as now or

1 hereafter amended, the proceedings relative to the creation of
2 districts, financing of improvements, levying and collecting
3 assessments and all other procedure shall be had, and the legislative
4 authority shall proceed in accordance with the provisions of the laws
5 relating to local improvement districts in cities of the first class:
6 PROVIDED, That when the improvement is initiated upon petition, the
7 petition shall set forth the fact that the signers are the owners
8 according to the records in the office of the county auditor, of
9 property to an aggregate amount of a majority of the surface area
10 within the limits of the assessment district to be created: PROVIDED
11 FURTHER, That when an assessment is made for any purpose other than the
12 construction or reconstruction of any system or means of distribution
13 or delivery of water, it shall not be necessary for the legislative
14 authority to be furnished with a statement of the aggregate assessed
15 valuation of the real estate exclusive of improvements in the district
16 according to the valuation last placed upon it for purposes of general
17 taxation, or the estimated amount of the cost of the improvement to be
18 borne by each tract of land or other property, but a statement by the
19 engineer or other officer, showing the estimated cost of the
20 improvement per square foot, shall be sufficient: PROVIDED FURTHER,
21 That when the legislative authority of a city or town shall deem it
22 necessary to levy special assessments for the purposes specified in RCW
23 35.92.230, as now or hereafter amended, other than for the purpose of
24 paying the costs of acquiring, constructing or reconstructing any
25 system or means of distribution or delivery of water for irrigation or
26 domestic purposes, the legislative authority for such city or town may
27 hold a single hearing on the assessment rolls for all irrigation local
28 improvement districts within the city or town. Such legislative
29 authority shall fix the date of such hearing and shall direct the city
30 or town clerk to give notice thereof, in the form prescribed by RCW
31 35.44.080, by publication thereof in a legal newspaper of general
32 circulation in the city or town, once, not less than fifteen days prior
33 to the date fixed for hearing; and by mailing, not less than fifteen
34 days prior to the date fixed for hearing, notice thereof to the owner
35 or reputed owner of each item of property described on the assessment
36 roll whose name appears on such roll at the address of such owner or
37 reputed owner shown on the tax rolls of the county treasurer for each
38 such item of property: PROVIDED FURTHER, That when an assessment roll

1 is once prepared and does not include the cost of purchase,
2 construction, or reconstruction of works of delivery or distribution
3 and the legislative authority of such city or town decides to raise a
4 similar amount the ensuing year, it shall not be necessary to prepare
5 a new assessment roll, but the legislative authority may pass a
6 resolution of intention estimating the cost for the ensuing year to be
7 the same as the preceding year, and directing the clerk to give notice
8 stating the estimated cost per square foot of all land within the
9 district and refer persons interested to the books of the treasurer,
10 and fixing the date for a hearing on such assessment roll. Notice of
11 such hearing shall be given by the city or town clerk in the form and
12 manner required in the preceding proviso. The treasurer shall be
13 present at the hearing and shall note any changes on his or her books.
14 The legislative authority shall have the same right to make changes in
15 the assessment roll as in an original assessment, and after all changes
16 have been made it shall, by ordinance, confirm the assessment and
17 direct the treasurer to extend it on the books of his or her office.

18 **Sec. 2133.** RCW 35.94.020 and 1985 c 469 s 40 are each amended to
19 read as follows:

20 The legislative authority of the city, if it deems it advisable to
21 lease or sell the works, plant, or system, or any part thereof, shall
22 adopt a resolution stating whether it desires to lease or sell. If it
23 desires to lease, the resolution shall state the general terms and
24 conditions of the lease, but not the rent. If it desires to sell the
25 general terms of sale shall be stated, but not the price. The
26 resolution shall direct the city clerk, or other proper official, to
27 publish the resolution not less than once a week for four weeks in the
28 official newspaper of the city, together with a notice calling for
29 sealed bids to be filed with the clerk or other proper official not
30 later than a certain time, accompanied by a certified check payable to
31 the order of the city, for such amount as the resolution shall require,
32 or a deposit of a like sum in money. Each bid shall state that the
33 bidder agrees that if his or her bid is accepted and he or she fails to
34 comply therewith within the time hereinafter specified, the check or
35 deposit shall be forfeited to the city. If bids for a lease are called
36 for, bidders shall bid the amount to be paid as the rent for each year
37 of the term of the lease. If bids for a sale are called for, the bids

1 shall state the price offered. The legislative authority of the city
2 may reject any or all bids and accept any bid which it deems best. At
3 the first meeting of the legislative authority of the city held after
4 the expiration of the time fixed for receiving bids, or at some later
5 meeting, the bids shall be considered. In order for the legislative
6 authority to declare it advisable to accept any bid it shall be
7 necessary for two-thirds of all the members elected to the legislative
8 authority to vote in favor of a resolution making the declaration. If
9 the resolution is adopted it shall be necessary, in order that the bid
10 be accepted, to enact an ordinance accepting it and directing the
11 execution of a lease or conveyance by the mayor and city clerk or other
12 proper official. The ordinance shall not take effect until it has been
13 submitted to the voters of the city for their approval or rejection at
14 the next general election or at a special election called for that
15 purpose, and a majority of the voters voting thereon have approved it.
16 If approved it shall take effect as soon as the result of the vote is
17 proclaimed by the mayor. If it is so submitted and fails of approval,
18 it shall be rejected and annulled. The mayor shall proclaim the vote
19 as soon as it is properly certified.

20 **Sec. 2134.** RCW 35.94.030 and 1965 c 7 s 35.94.030 are each amended
21 to read as follows:

22 Upon the taking effect of the ordinance the mayor and the city
23 clerk or other proper official shall execute, in the name and on behalf
24 of the city, the lease or conveyance directed thereby. The lessee or
25 grantee shall accept and execute the instrument within ten days after
26 notice of its execution by the city or forfeit to the city, the amount
27 of the check or deposit accompanying his or her bid: PROVIDED, That if
28 litigation in good faith is instituted within ten days to determine the
29 rights of the parties, no forfeiture shall take place unless the lessee
30 or grantee fails for five days after the termination of the litigation
31 in favor of the city to accept and execute the lease or conveyance.

32 **Sec. 2135.** RCW 35.96.050 and 1967 c 119 s 6 are each amended to
33 read as follows:

34 When service from the underground electric and communication
35 facilities is available in all or part of a conversion area, the city

1 or town shall mail a notice to the owners of all structures or
2 improvements served from the existing overhead facilities in the area,
3 which notice shall state that:

4 (1) Service from the underground facilities is available;

5 (2) All electric and communication service lines from the existing
6 overhead facilities within the area to any structure or improvement
7 must be disconnected and removed within ninety days after the date of
8 the mailing of the notice;

9 (3) Should such owner fail to convert such service lines from
10 overhead to underground within ninety days after the date of the
11 mailing of the notice, the city or town will order the electric and
12 communication utilities to disconnect and remove the service lines;

13 (4) Should the owner object to the disconnection and removal of the
14 service lines he or she may file his or her written objections thereto
15 with the city or town clerk within thirty days after the date of the
16 mailing of the notice and failure to so object within such time will
17 constitute a waiver of his or her right thereafter to object to such
18 disconnection and removal.

19 If the owner of any structure or improvement served from the
20 existing overhead electric and communication facilities within a
21 conversion area shall fail to convert to underground the service lines
22 from such overhead facilities to such structure or improvement within
23 ninety days after the mailing to him or her of the notice, the city or
24 town shall order the electric and communication utilities to disconnect
25 and remove all such service lines: PROVIDED, That if the owner has
26 filed his or her written objections to such disconnection and removal
27 with the city or town clerk within thirty days after the mailing of the
28 notice then the city or town shall not order such disconnection and
29 removal until after the hearing on such objections.

30 Upon the timely filing by the owner of objections to the
31 disconnection and removal of the service lines, the legislative
32 authority of such city or town, or a committee thereof, shall conduct
33 a hearing to determine whether the removal of all or any part of the
34 service lines is in the public benefit. The hearing shall be held at
35 such time as the legislative authority of such city or town may
36 establish for hearings on the objections and shall be held in
37 accordance with the regularly established procedure set by the
38 legislative authority of the city or town. If the hearing is before a

1 committee, the committee shall following the hearing report its
2 recommendation to the legislative authority of the city or town for
3 final action. The determination reached by the legislative authority
4 shall be final in the absence of an abuse of discretion.

5 **PART III**

6 **Sec. 3001.** RCW 35A.02.055 and 1979 ex.s. c 18 s 8 are each amended
7 to read as follows:

8 Where a city elects to become a noncharter code city under one of
9 the optional plans of government provided in Title 35A RCW for code
10 cities which involves the same general plan of government as that under
11 which the city operated prior to the choice and where with the change
12 in classification the number of (~~councilmanic~~) council positions in
13 a city remains the same or increases from five to seven, the procedures
14 for the first election of officers which appear in RCW 35A.02.050 shall
15 not be followed. When membership in a city council remains the same or
16 is increased upon becoming a noncharter code city, the terms of
17 incumbent councilmembers shall not be affected. If the number of
18 councilmembers is increased from five to seven, the city council shall,
19 by majority vote, pursuant to RCW 35A.12.050 and 35A.13.020, appoint
20 two persons to serve in these offices until the next municipal general
21 election, at which election one person shall be elected for a two-year
22 term and one person shall be elected for a four-year term.

23 A first election of all officers upon a change in classification to
24 a noncharter code city is also not required where the change in
25 classification otherwise retains the same general or specific plan of
26 government and where the change in classification results in a decrease
27 in the number of (~~councilmanic~~) council positions in a city.

28 If the membership in a city council is decreased from seven to five
29 members upon adopting the classification of noncharter code city, this
30 decrease in the number of councilmembers shall be determined in the
31 following manner: The councilmembers shall determine by lot which two
32 (~~councilmanic~~) council positions shall be eliminated upon the
33 expiration of their terms of office. The terms of the remaining
34 councilmembers shall not be affected.

1 **Sec. 3002.** RCW 35A.08.020 and 1979 c 151 s 32 are each amended to
2 read as follows:

3 For the purposes of this chapter, the population of a city shall be
4 the number of residents shown by the figures released for the most
5 recent official state or federal census, by a population determination
6 made under the direction of the office of financial management, or by
7 a city census conducted in the following manner:

8 (1) The legislative authority of any such city may provide by
9 ordinance for the appointment by the mayor thereof, of such number of
10 persons as may be designated in the ordinance to make an enumeration of
11 all persons residing within the corporate limits of the city. The
12 enumerators so appointed, before entering upon their duties, shall take
13 an oath for the faithful performance thereof and within five days after
14 their appointment proceed, within their respective districts, to make
15 an enumeration of all persons residing therein, with their names and
16 places of residence.

17 (2) Immediately upon the completion of the enumeration, the
18 enumerators shall make return thereof upon oath to the legislative
19 authority of the city, who at its next meeting or as soon thereafter as
20 practicable, shall canvass and certify the returns.

21 (3) If it appears therefrom that the whole number of persons
22 residing within the corporate limits of the city is ten thousand or
23 more, the mayor and clerk under the corporate seal of the city shall
24 certify the number so ascertained to the secretary of state, who shall
25 file it in his or her office. This certificate when so filed shall be
26 conclusive evidence of the population of the city.

27 **Sec. 3003.** RCW 35A.08.040 and 1990 c 259 s 7 are each amended to
28 read as follows:

29 The election on the question whether to adopt a charter and become
30 a charter code city and the nomination and election of the members of
31 the charter commission shall be conducted, and the result declared,
32 according to the laws regulating and controlling elections in the city.
33 Candidates for election to the charter commission must be nominated by
34 petition signed by ten registered voters of the city and residents
35 therein for a period of at least two years preceding the election. A
36 nominating petition shall be filed within the time allowed for filing
37 declarations of candidacy and shall be verified by an affidavit of one

1 or more of the signers to the effect that the affiant believes that the
2 candidate and all of the signers are registered voters of the city and
3 he or she signed the petition in good faith for the purpose of
4 endorsing the person named therein for election to the charter
5 commission. A written acceptance of the nomination by the nominee
6 shall be affixed to the petition when filed with the county auditor.
7 Nominating petitions need not be in the form prescribed in RCW
8 35A.01.040. Any nominee may withdraw his or her nomination by a
9 written statement of withdrawal filed at any time not later than five
10 days before the last day allowed for filing nominations. The positions
11 on the charter commission shall be designated by consecutive numbers
12 one through fifteen, and the positions so designated shall be
13 considered as separate offices for all election purposes. A nomination
14 shall be made for a specific numbered position.

15 **Sec. 3004.** RCW 35A.08.050 and 1967 ex.s. c 119 s 35A.08.050 are
16 each amended to read as follows:

17 Within ten days after its election the charter commission shall
18 hold its first meeting, elect one of the members as (~~chairman~~) chair,
19 and adopt such rules for the conduct of its business as it may deem
20 advisable. In the event of a vacancy in the charter commission, the
21 remaining members shall fill it by appointment thereto of some properly
22 qualified person. A majority shall constitute a quorum for transaction
23 of business but final charter recommendations shall require a majority
24 vote of the whole membership of the commission. The commission shall
25 study the plan of government of the city, compare it with other
26 available plans of government, and determine whether, in its judgment,
27 the government of the city could be strengthened, made more responsive
28 or accountable to the people, or whether its operation could be made
29 more economical or more efficient by amendment of the existing plan or
30 adoption of another plan of government. The commission shall consider
31 the plans of government described in this title but shall not be
32 limited to such plans in its recommendations for the government of the
33 city and may frame a charter for any plan it deems suitable for the
34 good government of the city; except that the provisions of such charter
35 shall not be valid if inconsistent with the Constitution of this state,
36 the provisions of this title, or the general laws of the state, insofar
37 as they are applicable to cities governed under this title.

1 **Sec. 3005.** RCW 35A.12.010 and 1997 c 361 s 6 are each amended to
2 read as follows:

3 The government of any noncharter code city or charter code city
4 electing to adopt the mayor-council plan of government authorized by
5 this chapter shall be vested in an elected mayor and an elected
6 council. The council of a noncharter code city having less than
7 twenty-five hundred inhabitants shall consist of five members; when
8 there are twenty-five hundred or more inhabitants, the council shall
9 consist of seven members. A city with a population of less than
10 twenty-five hundred at the time of reclassification as an optional
11 municipal code city may choose to maintain a seven-member council. The
12 decision concerning the number of councilmembers shall be made by the
13 council and be incorporated as a section of the ordinance adopting for
14 the city the classification of noncharter code city. If the population
15 of a city after having become a code city decreases from twenty-five
16 hundred or more to less than twenty-five hundred, it shall continue to
17 have a seven member council. If, after a city has become a mayor-
18 council code city, its population increases to twenty-five hundred or
19 more inhabitants, the number of (~~councilmanic~~) council offices in
20 such city may increase from five to seven members upon the affirmative
21 vote of a majority of the existing council to increase the number of
22 (~~councilmanic~~) council offices in the city. When the population of
23 a mayor-council code city having five (~~councilmanic~~) council offices
24 increases to five thousand or more inhabitants, the number of
25 (~~councilmanic~~) council offices in the city shall increase from five
26 to seven members. In the event of an increase in the number of
27 (~~councilmanic~~) council offices, the city council shall, by majority
28 vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these
29 offices until the next municipal general election, at which election
30 one person shall be elected for a two-year term and one person shall be
31 elected for a four-year term. The number of inhabitants shall be
32 determined by the most recent official state or federal census or
33 determination by the state office of financial management. A charter
34 adopted under the provisions of this title, incorporating the mayor-
35 council plan of government set forth in this chapter, may provide for
36 an uneven number of councilmembers not exceeding eleven.

37 A noncharter code city of less than five thousand inhabitants which
38 has elected the mayor-council plan of government and which has seven

1 ((~~councilman~~)) council offices may establish a five-member council in
2 accordance with the following procedure. At least six months prior to
3 a municipal general election, the city council shall adopt an ordinance
4 providing for reduction in the number of ((~~councilman~~)) council
5 offices to five. The ordinance shall specify which two
6 ((~~councilman~~)) council offices, the terms of which expire at the next
7 general election, are to be terminated. The ordinance shall provide
8 for the renumbering of council positions and shall also provide for a
9 two-year extension of the term of office of a retained ((~~councilman~~))
10 council office, if necessary, in order to comply with RCW 35A.12.040.

11 However, a noncharter code city that has retained its old mayor-
12 council plan of government, as provided in RCW 35A.02.130, is subject
13 to the laws applicable to that old plan of government.

14 **Sec. 3006.** RCW 35A.12.030 and 1979 ex.s. c 18 s 20 are each
15 amended to read as follows:

16 No person shall be eligible to hold elective office under the
17 mayor-council plan unless the person is a registered voter of the city
18 at the time of filing his or her declaration of candidacy and has been
19 a resident of the city for a period of at least one year next preceding
20 his or her election. Residence and voting within the limits of any
21 territory which has been included in, annexed to, or consolidated with
22 such city is construed to have been residence within the city. A mayor
23 or ((~~councilman~~)) councilmember shall hold within the city government
24 no other public office or employment except as permitted under the
25 provisions of chapter 42.23 RCW.

26 **Sec. 3007.** RCW 35A.12.065 and 1967 ex.s. c 119 s 35A.12.065 are
27 each amended to read as follows:

28 Biennially at the first meeting of a new council, or periodically,
29 the members thereof, by majority vote, may designate one of their
30 number as mayor pro tempore or deputy mayor for such period as the
31 council may specify, to serve in the absence or temporary disability of
32 the mayor; or, in lieu thereof, the council may, as the need may arise,
33 appoint any qualified person to serve as mayor pro tempore in the
34 absence or temporary disability of the mayor. In the event of the
35 extended excused absence or disability of a ((~~councilman~~))

1 councilmember, the remaining members by majority vote may appoint a
2 ((~~councilman~~)) councilmember pro tempore to serve during the absence or
3 disability.

4 **Sec. 3008.** RCW 35A.12.070 and 1971 ex.s. c 251 s 5 are each
5 amended to read as follows:

6 The salaries of the mayor and the ((~~councilmen~~)) councilmembers
7 shall be fixed by ordinance and may be revised from time to time by
8 ordinance, but any increase in the compensation attaching to an office
9 shall not be applicable to the term then being served by the incumbent
10 if such incumbent is a member of the city legislative body fixing his
11 or her own compensation or as mayor in a mayor-council code city casts
12 a tie-breaking vote relating to such ordinance: PROVIDED, That if the
13 mayor of such a city does not cast such a vote, his or her salary may
14 be increased during his or her term of office.

15 Until the first elective officers under this mayor-council plan of
16 government may lawfully be paid the compensation provided by such
17 salary ordinance, such officers shall be entitled to be compensated in
18 the same manner and in the same amount as the compensation paid to
19 officers of such city performing comparable services immediately prior
20 to adoption of this mayor-council plan.

21 Until a salary ordinance can be passed and become effective as to
22 elective officers of a newly incorporated code city, such first
23 officers shall be entitled to compensation as follows: In cities
24 having less than five thousand inhabitants, the mayor shall be entitled
25 to a salary of one hundred and fifty dollars per calendar month and a
26 ((~~councilman~~)) councilmember shall be entitled to twenty dollars per
27 meeting for not more than two meetings per month; in cities having more
28 than five thousand but less than fifteen thousand inhabitants, the
29 mayor shall be entitled to a salary of three hundred and fifty dollars
30 per calendar month and a ((~~councilman~~)) councilmember shall be entitled
31 to one hundred and fifty dollars per calendar month; in cities having
32 more than fifteen thousand inhabitants, the mayor shall be entitled to
33 a salary of twelve hundred and fifty dollars per calendar month and a
34 ((~~councilman~~)) councilmember shall be entitled to four hundred dollars
35 per calendar month: PROVIDED, That such interim compensation shall
36 remain in effect only until a salary ordinance is passed and becomes
37 effective as to such officers, and the amounts herein provided shall

1 not be construed as fixing the usual salary of such officers. The
2 mayor and (~~councilmen~~) councilmembers shall receive reimbursement for
3 their actual and necessary expenses incurred in the performance of the
4 duties of their office, or the council by ordinance may provide for a
5 per diem allowance. Procedure for approval of claims for expenses
6 shall be as provided by ordinance.

7 **Sec. 3009.** RCW 35A.12.080 and 1986 c 167 s 20 are each amended to
8 read as follows:

9 Any officer before entering upon the performance of his or her
10 duties may be required to take an oath or affirmation as prescribed by
11 charter or by ordinance for the faithful performance of his or her
12 duties. The oath or affirmation shall be filed with the county
13 auditor. The clerk, treasurer, if any, chief of police, and such other
14 officers or employees as may be designated by ordinance or by charter
15 shall be required to furnish annually an official bond conditioned on
16 the honest and faithful performance of their official duties. The
17 terms and penalty of official bonds and the surety therefor shall be
18 prescribed by ordinance or charter and the bond shall be approved by
19 the chief administrative officer of the city. The premiums on such
20 bonds shall be paid by the city. When the furnishing of an official
21 bond is required of an officer or employee, compliance with such
22 provisions shall be an essential part of qualification for office.

23 **Sec. 3010.** RCW 35A.12.100 and 1979 ex.s. c 18 s 22 are each
24 amended to read as follows:

25 The mayor shall be the chief executive and administrative officer
26 of the city, in charge of all departments and employees, with authority
27 to designate assistants and department heads. The mayor may appoint
28 and remove a chief administrative officer or assistant administrative
29 officer, if so provided by ordinance or charter. He or she shall see
30 that all laws and ordinances are faithfully enforced and that law and
31 order is maintained in the city, and shall have general supervision of
32 the administration of city government and all city interests. All
33 official bonds and bonds of contractors with the city shall be
34 submitted to the mayor or such person as he or she may designate for
35 approval or disapproval. He or she shall see that all contracts and
36 agreements made with the city or for its use and benefit are faithfully

1 kept and performed, and to this end he or she may cause any legal
2 proceedings to be instituted and prosecuted in the name of the city,
3 subject to approval by majority vote of all members of the council.
4 The mayor shall preside over all meetings of the city council, when
5 present, but shall have a vote only in the case of a tie in the votes
6 of the (~~councilmen~~) councilmembers with respect to matters other than
7 the passage of any ordinance, grant, or revocation of franchise or
8 license, or any resolution for the payment of money. He or she shall
9 report to the council concerning the affairs of the city and its
10 financial and other needs, and shall make recommendations for council
11 consideration and action. He or she shall prepare and submit to the
12 council a proposed budget, as required by chapter 35A.33 RCW. The
13 mayor shall have the power to veto ordinances passed by the council and
14 submitted to him or her as provided in RCW 35A.12.130 but such veto may
15 be overridden by the vote of a majority of all councilmembers plus one
16 more vote. The mayor shall be the official and ceremonial head of the
17 city and shall represent the city on ceremonial occasions, except that
18 when illness or other duties prevent the mayor's attendance at an
19 official function and no mayor pro tempore has been appointed by the
20 council, a member of the council or some other suitable person may be
21 designated by the mayor to represent the city on such occasion.

22 **Sec. 3011.** RCW 35A.12.110 and 1993 c 199 s 3 are each amended to
23 read as follows:

24 The city council and mayor shall meet regularly, at least once a
25 month, at a place and at such times as may be designated by the city
26 council. All final actions on resolutions and ordinances must take
27 place within the corporate limits of the city. Special meetings may be
28 called by the mayor or any three members of the council by written
29 notice delivered to each member of the council at least twenty-four
30 hours before the time specified for the proposed meeting. All actions
31 that have heretofore been taken at special council meetings held
32 pursuant to this section, but for which the number of hours of notice
33 given has been at variance with requirements of RCW 42.30.080, are
34 hereby validated. All council meetings shall be open to the public
35 except as permitted by chapter 42.30 RCW. No ordinance or resolution
36 shall be passed, or contract let or entered into, or bill for the
37 payment of money allowed at any meeting not open to the public, nor at

1 any public meeting the date of which is not fixed by ordinance,
2 resolution, or rule, unless public notice of such meeting has been
3 given by such notice to each local newspaper of general circulation and
4 to each local radio or television station, as provided in RCW 42.30.080
5 as now or hereafter amended. Meetings of the council shall be presided
6 over by the mayor, if present, or otherwise by the mayor pro tempore,
7 or deputy mayor if one has been appointed, or by a member of the
8 council selected by a majority of the councilmembers at such meeting.
9 Appointment of a councilmember to preside over the meeting shall not in
10 any way abridge his or her right to vote on matters coming before the
11 council at such meeting. In the absence of the clerk, a deputy clerk
12 or other qualified person appointed by the clerk, the mayor, or the
13 council, may perform the duties of clerk at such meeting. A journal of
14 all proceedings shall be kept, which shall be a public record.

15 **Sec. 3012.** RCW 35A.12.120 and 1967 ex.s. c 119 s 35A.12.120 are
16 each amended to read as follows:

17 At all meetings of the council a majority of the (~~councilmen~~)
18 councilmembers shall constitute a quorum for the transaction of
19 business, but a less number may adjourn from time to time and may
20 compel the attendance of absent members in such manner and under such
21 penalties as may be prescribed by ordinance. The council shall
22 determine its own rules and order of business, and may establish rules
23 for the conduct of council meetings and the maintenance of order. At
24 the desire of any member, any question shall be voted upon by roll call
25 and the ayes and nays shall be recorded in the journal.

26 The passage of any ordinance, grant or revocation of franchise or
27 license, and any resolution for the payment of money shall require the
28 affirmative vote of at least a majority of the whole membership of the
29 council.

30 **Sec. 3013.** RCW 35A.12.130 and 1967 ex.s. c 119 s 35A.12.130 are
31 each amended to read as follows:

32 The enacting clause of all ordinances shall be as follows: "The
33 city council of the city of do ordain as follows:" No
34 ordinance shall contain more than one subject and that must be clearly
35 expressed in its title.

1 No ordinance or any section or subsection thereof shall be revised
2 or amended unless the new ordinance sets forth the revised ordinance or
3 the amended section or subsection at full length.

4 No ordinance shall take effect until five days after the date of
5 its publication unless otherwise provided by statute or charter, except
6 that an ordinance passed by a majority plus one of the whole membership
7 of the council, designated therein as a public emergency ordinance
8 necessary for the protection of public health, public safety, public
9 property or the public peace, may be made effective upon adoption, but
10 such ordinance may not levy taxes, grant, renew, or extend a franchise,
11 or authorize the borrowing of money.

12 Every ordinance which passes the council in order to become valid
13 must be presented to the mayor; if he or she approves it, he or she
14 shall sign it, but if not, he or she shall return it with his or her
15 written objections to the council and the council shall cause his or
16 her objections to be entered at large upon the journal and proceed to
17 a reconsideration thereof. If upon reconsideration a majority plus one
18 of the whole membership, voting upon a call of ayes and nays, favor its
19 passage, the ordinance shall become valid notwithstanding the mayor's
20 veto. If the mayor fails for ten days to either approve or veto an
21 ordinance, it shall become valid without his or her approval.
22 Ordinances shall be signed by the mayor and attested by the clerk.

23 **Sec. 3014.** RCW 35A.12.150 and 1967 ex.s. c 119 s 35A.12.150 are
24 each amended to read as follows:

25 The city clerk shall authenticate by his or her signature and
26 record in full in a properly indexed book kept for the purpose all
27 ordinances and resolutions adopted by the council. Such book, or
28 copies of ordinances and resolutions, shall be available for inspection
29 by the public at reasonable times and under reasonable conditions.

30 **Sec. 3015.** RCW 35A.12.170 and 1967 ex.s. c 119 s 35A.12.170 are
31 each amended to read as follows:

32 All demands against a code city shall be presented and audited in
33 accordance with such regulations as may be prescribed by charter or
34 ordinance; and upon the allowance of a demand, the clerk shall draw a
35 warrant upon the treasurer for it, which warrant shall be countersigned
36 by the mayor, or such person as he or she may designate, and shall

1 specify the fund from which it is to be paid; or, payment may be made
2 by a bank check when authorized by the legislative body of the code
3 city under authority granted by RCW 35A.40.020, which check shall bear
4 the signatures of the officers designated by the legislative body as
5 required signatories of checks of such city, and shall specify the fund
6 from which it is to be paid.

7 **Sec. 3016.** RCW 35A.13.010 and 1994 c 223 s 35 are each amended to
8 read as follows:

9 The councilmembers shall be the only elective officers of a code
10 city electing to adopt the council-manager plan of government
11 authorized by this chapter, except where statutes provide for an
12 elective municipal judge. The council shall appoint an officer whose
13 title shall be "city manager" who shall be the chief executive officer
14 and head of the administrative branch of the city government. The city
15 manager shall be responsible to the council for the proper
16 administration of all affairs of the code city. The council of a
17 noncharter code city having less than twenty-five hundred inhabitants
18 shall consist of five members; when there are twenty-five hundred or
19 more inhabitants the council shall consist of seven members: PROVIDED,
20 That if the population of a city after having become a code city
21 decreases from twenty-five hundred or more to less than twenty-five
22 hundred, it shall continue to have a seven member council. If, after
23 a city has become a council-manager code city its population increases
24 to twenty-five hundred or more inhabitants, the number of
25 ((~~councilmanic~~)) council offices in such city may increase from five to
26 seven members upon the affirmative vote of a majority of the existing
27 council to increase the number of ((~~councilmanic~~)) council offices in
28 the city. When the population of a council-manager code city having
29 five ((~~councilmanic~~)) council offices increases to five thousand or
30 more inhabitants, the number of ((~~councilmanic~~)) council offices in the
31 city shall increase from five to seven members. In the event of an
32 increase in the number of ((~~councilmanic~~)) council offices, the city
33 council shall, by majority vote, pursuant to RCW 35A.13.020, appoint
34 two persons to serve in these offices until the next municipal general
35 election, at which election one person shall be elected for a two-year
36 term and one person shall be elected for a four-year term. The number
37 of inhabitants shall be determined by the most recent official state or

1 federal census or determination by the state office of financial
2 management. A charter adopted under the provisions of this title,
3 incorporating the council-manager plan of government set forth in this
4 chapter may provide for an uneven number of councilmembers not
5 exceeding eleven.

6 A noncharter code city of less than five thousand inhabitants which
7 has elected the council-manager plan of government and which has seven
8 (~~councilmanic~~) council offices may establish a five-member council in
9 accordance with the following procedure. At least six months prior to
10 a municipal general election, the city council shall adopt an ordinance
11 providing for reduction in the number of (~~councilmanic~~) council
12 offices to five. The ordinance shall specify which two
13 (~~councilmanic~~) council offices, the terms of which expire at the next
14 general election, are to be terminated. The ordinance shall provide
15 for the renumbering of council positions and shall also provide for a
16 two-year extension of the term of office of a retained (~~councilmanic~~)
17 council office, if necessary, in order to comply with RCW 35A.12.040.

18 However, a noncharter code city that has retained its old council-
19 manager plan of government, as provided in RCW 35A.02.130, is subject
20 to the laws applicable to that old plan of government.

21 **Sec. 3017.** RCW 35A.13.020 and 1994 c 223 s 36 are each amended to
22 read as follows:

23 In council-manager code cities, eligibility for election to the
24 council, the manner of electing (~~councilmen~~) councilmembers, the
25 numbering of council positions, the terms of (~~councilmen~~)
26 councilmembers, the occurrence and the filling of vacancies, the
27 grounds for forfeiture of office, and appointment of a mayor pro
28 tempore or deputy mayor or (~~councilman~~) councilmember pro tempore
29 shall be governed by the corresponding provisions of RCW 35A.12.030,
30 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the
31 council of a code city organized under the mayor-council plan, except
32 that in council-manager cities where all council positions are at-large
33 positions, the city council may, pursuant to RCW 35A.13.033, provide
34 that the person elected to council position one shall be the council
35 (~~chairman~~) chair and shall carry out the duties prescribed by RCW
36 35A.13.030.

1 **Sec. 3018.** RCW 35A.13.030 and 1975 1st ex.s. c 155 s 2 are each
2 amended to read as follows:

3 Biennially at the first meeting of the new council the members
4 thereof shall choose a ((~~chairman~~)) chair from among their number
5 unless the ((~~chairman~~)) chair is elected pursuant to RCW 35A.13.033.
6 The ((~~chairman~~)) chair of the council shall have the title of mayor and
7 shall preside at meetings of the council. In addition to the powers
8 conferred upon him or her as mayor, he or she shall continue to have
9 all the rights, privileges, and immunities of a member of the council.
10 The mayor shall be recognized as the head of the city for ceremonial
11 purposes and by the governor for purposes of military law. He or she
12 shall have no regular administrative duties, but in time of public
13 danger or emergency, if so authorized by ordinance, shall take command
14 of the police, maintain law, and enforce order.

15 **Sec. 3019.** RCW 35A.13.033 and 1975 1st ex.s. c 155 s 3 are each
16 amended to read as follows:

17 The city council of a council-manager city may by resolution place
18 before the voters of the city, a proposition to designate the person
19 elected to council position one as the ((~~chairman~~)) chair of the
20 council with the powers and duties set forth in RCW 35A.13.030. If a
21 majority of those voting on the proposition cast a positive vote, then
22 at all subsequent general elections at which position one is on the
23 ballot, the person who is elected to position one shall become the
24 ((~~chairman~~)) chair upon taking office.

25 **Sec. 3020.** RCW 35A.13.035 and 1969 ex.s. c 81 s 1 are each amended
26 to read as follows:

27 Biennially at the first meeting of a new council, or periodically,
28 the members thereof, by majority vote, may designate one of their
29 number as mayor pro tempore or deputy mayor for such period as the
30 council may specify, to serve in the absence or temporary disability of
31 the mayor; or, in lieu thereof, the council may, as the need may arise,
32 appoint any qualified person to serve as mayor pro tempore in the
33 absence or temporary disability of the mayor. In the event of the
34 extended excused absence or disability of a ((~~councilman~~))
35 councilmember, the remaining members by majority vote may appoint a

1 ((~~councilman~~)) councilmember pro tempore to serve during the absence or
2 disability.

3 **Sec. 3021.** RCW 35A.13.040 and 1979 ex.s. c 18 s 25 are each
4 amended to read as follows:

5 The salaries of the ((~~councilmen~~)) councilmembers, including the
6 mayor, shall be fixed by ordinance and may be revised from time to time
7 by ordinance, but any increase or reduction in the compensation
8 attaching to an office shall not become effective until the expiration
9 of the term then being served by the incumbent: PROVIDED, That
10 compensation of ((~~councilmen~~)) councilmembers may not be increased or
11 diminished after their election nor may the compensation of the mayor
12 be increased or diminished after the mayor has been chosen by the
13 council.

14 Until ((~~councilmen~~)) councilmembers of a newly organized council-
15 manager code city may lawfully be paid as provided by salary ordinance,
16 such ((~~councilmen~~)) councilmembers shall be entitled to compensation in
17 the same manner and in the same amount as ((~~councilmen~~)) councilmembers
18 of such city prior to the adoption of this council-manager plan.

19 Until a salary ordinance can be passed and become effective as to
20 elective officers of a newly incorporated code city, the first
21 ((~~councilmen~~)) councilmembers shall be entitled to compensation as
22 follows: In cities having less than five thousand inhabitants--twenty
23 dollars per meeting for not more than two meetings per month; in cities
24 having more than five thousand but less than fifteen thousand
25 inhabitants--a salary of one hundred and fifty dollars per calendar
26 month; in cities having more than fifteen thousand inhabitants--a
27 salary of four hundred dollars per calendar month. A ((~~councilman~~))
28 councilmember who is occupying the position of mayor, in addition to
29 his or her salary as a ((~~councilman~~)) councilmember, shall be entitled,
30 while serving as mayor, to an additional amount per calendar month, or
31 portion thereof, equal to twenty-five percent of the ((~~councilman~~))
32 councilmember salary: PROVIDED, That such interim compensation shall
33 remain in effect only until a salary ordinance is passed and becomes
34 effective as to such officers, and the compensation provided herein
35 shall not be construed as fixing the usual compensation of such
36 officers. ((~~Councilmen~~)) Councilmembers shall receive reimbursement
37 for their actual and necessary expenses incurred in the performance of

1 the duties of their office, or the council by ordinance may provide for
2 a per diem allowance. Procedure for approval of claims for expenses
3 shall be as provided by ordinance.

4 **Sec. 3022.** RCW 35A.13.050 and 1967 ex.s. c 119 s 35A.13.050 are
5 each amended to read as follows:

6 The city manager need not be a resident at the time of his or her
7 appointment, but shall reside in the code city after his or her
8 appointment unless such residence is waived by the council. He or she
9 shall be chosen by the council solely on the basis of his or her
10 executive and administrative qualifications with special reference to
11 his or her actual experience in, or his or her knowledge of, accepted
12 practice in respect to the duties of his or her office. No person
13 elected to membership on the council shall be eligible for appointment
14 as city manager until one year has elapsed following the expiration of
15 the term for which he or she was elected.

16 **Sec. 3023.** RCW 35A.13.060 and 1967 ex.s. c 119 s 35A.13.060 are
17 each amended to read as follows:

18 Whether the city manager shall devote his or her full time to the
19 affairs of one code city shall be determined by the council. A city
20 manager may serve two or more cities in that capacity at the same time.

21 **Sec. 3024.** RCW 35A.13.070 and 1967 ex.s. c 119 s 35A.13.070 are
22 each amended to read as follows:

23 Before entering upon the duties of his or her office the city
24 manager shall take an oath or affirmation for the faithful performance
25 of his or her duties and shall execute and file with the clerk of the
26 council a bond in favor of the code city in such sum as may be fixed by
27 the council. The premium on such bond shall be paid by the city.

28 **Sec. 3025.** RCW 35A.13.080 and 1987 c 3 s 17 are each amended to
29 read as follows:

30 The powers and duties of the city manager shall be:

31 (1) To have general supervision over the administrative affairs of
32 the code city;

33 (2) To appoint and remove at any time all department heads,
34 officers, and employees of the code city, except members of the

1 council, and subject to the provisions of any applicable law, rule, or
2 regulation relating to civil service: PROVIDED, That the council may
3 provide for the appointment by the mayor, subject to confirmation by
4 the council, of a city planning commission, and other advisory
5 citizens' committees, commissions, and boards advisory to the city
6 council: PROVIDED FURTHER, That if the municipal judge of the code
7 city is appointed, such appointment shall be made by the city manager
8 subject to confirmation by the council, for a four year term. The
9 council may cause an audit to be made of any department or office of
10 the code city government and may select the persons to make it, without
11 the advice or consent of the city manager;

12 (3) To attend all meetings of the council at which his or her
13 attendance may be required by that body;

14 (4) To see that all laws and ordinances are faithfully executed,
15 subject to the authority which the council may grant the mayor to
16 maintain law and order in times of emergency;

17 (5) To recommend for adoption by the council such measures as he or
18 she may deem necessary or expedient;

19 (6) To prepare and submit to the council such reports as may be
20 required by that body or as he or she may deem it advisable to submit;

21 (7) To keep the council fully advised of the financial condition of
22 the code city and its future needs;

23 (8) To prepare and submit to the council a proposed budget for the
24 fiscal year, as required by chapter 35A.33 RCW, and to be responsible
25 for its administration upon adoption;

26 (9) To perform such other duties as the council may determine by
27 ordinance or resolution.

28 **Sec. 3026.** RCW 35A.13.100 and 1967 ex.s. c 119 s 35A.13.100 are
29 each amended to read as follows:

30 The city manager may authorize the head of a department or office
31 responsible to him or her to appoint and remove subordinates in such
32 department or office. Any officer or employee who may be appointed by
33 the city manager, or by the head of a department or office, except one
34 who holds his or her position subject to civil service, may be removed
35 by the manager or other such appointing officer at any time subject to
36 any applicable law, rule, or regulation relating to civil service.
37 Subject to the provisions of RCW 35A.13.080 and any applicable civil

1 service provisions, the decision of the manager or other appointing
2 officer, shall be final and there shall be no appeal therefrom to any
3 other office, body, or court whatsoever.

4 **Sec. 3027.** RCW 35A.13.120 and 1967 ex.s. c 119 s 35A.13.120 are
5 each amended to read as follows:

6 Neither the council, nor any of its committees or members, shall
7 direct the appointment of any person to, or his or her removal from,
8 office by the city manager or any of his or her subordinates. Except
9 for the purpose of inquiry, the council and its members shall deal with
10 the administrative service solely through the manager and neither the
11 council nor any committee or member thereof shall give orders to any
12 subordinate of the city manager, either publicly or privately. The
13 provisions of this section do not prohibit the council, while in open
14 session, from fully and freely discussing with the city manager
15 anything pertaining to appointments and removals of city officers and
16 employees and city affairs.

17 **Sec. 3028.** RCW 35A.13.130 and 1967 ex.s. c 119 s 35A.13.130 are
18 each amended to read as follows:

19 The city manager shall be appointed for an indefinite term and may
20 be removed by a majority vote of the council. At least thirty days
21 before the effective date of his or her removal, the city manager must
22 be furnished with a formal statement in the form of a resolution passed
23 by a majority vote of the city council stating the council's intention
24 to remove him or her and the reasons therefor. Upon passage of the
25 resolution stating the council's intention to remove the manager, the
26 council by a similar vote may suspend him or her from duty, but his or
27 her pay shall continue until his or her removal becomes effective.

28 **Sec. 3029.** RCW 35A.13.140 and 1967 ex.s. c 119 s 35A.13.140 are
29 each amended to read as follows:

30 The city manager may, within thirty days from the date of service
31 upon him or her of a copy thereof, reply in writing to the resolution
32 stating the council's intention to remove him or her. In the event no
33 reply is timely filed, the resolution shall upon the thirty-first day
34 from the date of such service, constitute the final resolution removing
35 the manager and his or her services shall terminate upon that day. If

1 a reply shall be timely filed with the city clerk, the council shall
2 fix a time for a public hearing upon the question of the manager's
3 removal and a final resolution removing the manager shall not be
4 adopted until a public hearing has been had. The action of the council
5 in removing the manager shall be final.

6 **Sec. 3030.** RCW 35A.14.190 and 1967 ex.s. c 119 s 35A.14.190 are
7 each amended to read as follows:

8 The members of each annexation review board shall elect from among
9 the members a ((~~chairman~~)) chair and a vice ((~~chairman~~)) chair, and may
10 employ a nonmember as chief clerk, who shall be the secretary of the
11 board. The board shall determine its own rules and order of business,
12 shall provide by resolution for the time and manner of holding regular
13 or special meetings, and shall keep a journal of its proceedings which
14 shall be a public record. A majority of all the members shall
15 constitute a quorum for the transaction of business.

16 The chief clerk of the board, the ((~~chairman~~)) chair, or the vice
17 ((~~chairman~~)) chair shall have the power to administer oaths and
18 affirmations, certify to all official acts, issue subpoenas to any
19 public officer or employee ordering him or her to testify before the
20 board and produce public records, papers, books or documents. The
21 chief clerk, the ((~~chairman~~)) chair or the vice ((~~chairman~~)) chair may
22 invoke the aid of any court of competent jurisdiction to carry out such
23 powers.

24 The planning departments of the county, other counties, and any
25 city, and any state or regional planning agency shall furnish such
26 information to the board at its request as may be reasonably necessary
27 for the performance of its duties.

28 At the request of the board, the state attorney general shall
29 provide counsel for the board.

30 **Sec. 3031.** RCW 35A.21.030 and 1967 ex.s. c 119 s 35A.21.030 are
31 each amended to read as follows:

32 Except as otherwise provided in this title, every officer of a code
33 city shall perform, in the manner provided, all duties of his or her
34 office which are imposed by state law on officers of every other class
35 of city who occupy a like position and perform like functions.

1 **Sec. 3032.** RCW 35A.33.010 and 1969 ex.s. c 81 s 2 are each amended
2 to read as follows:

3 Unless the context clearly indicates otherwise, the following words
4 as used in this chapter shall have the meaning herein prescribed:

5 (1) "Clerk" as used in this chapter includes the officer performing
6 the functions of a finance or budget director, comptroller, auditor, or
7 by whatever title he or she may be known in any code city.

8 (2) "Department" as used in this chapter includes each office,
9 division, service, system or institution of the city for which no other
10 statutory or charter provision is made for budgeting and accounting
11 procedures or controls.

12 (3) "Council" as used in this chapter includes the commissioners in
13 cities having a commission form of government and any other group of
14 city officials serving as the legislative body of a code city.

15 (4) "Chief administrative officer" as used in this chapter includes
16 the mayor of cities having a mayor-council form of government, the
17 commissioners in cities having a commission form of government, the
18 city manager, or any other city official designated by the charter or
19 ordinances of such city under the plan of government governing the
20 same, or the budget or finance officer designated by the mayor, manager
21 or commissioners, to perform the functions, or portions thereof,
22 contemplated by this chapter.

23 (5) "Fiscal year" as used in this chapter means that fiscal period
24 set by the code city pursuant to authority given under RCW 1.16.030.

25 (6) "Fund", as used in this chapter and "funds" where clearly used
26 to indicate the plural of "fund", shall mean the budgeting or
27 accounting entity authorized to provide a sum of money for specified
28 activities or purposes.

29 (7) "Funds" as used in this chapter where not used to indicate the
30 plural of "fund" shall mean money in hand or available for expenditure
31 or payment of a debt or obligation.

32 (8) Except as otherwise defined herein, municipal accounting terms
33 used in this chapter have the meaning prescribed in "Governmental
34 Accounting, Auditing and Financial Reporting" prepared by the National
35 Committee on Governmental Accounting, 1968.

36 **Sec. 3033.** RCW 35A.33.052 and 1967 ex.s. c 119 s 35A.33.052 are
37 each amended to read as follows:

1 The chief administrative officer shall prepare the preliminary
2 budget in detail, making any revisions or addition to the reports of
3 the department heads deemed advisable by such chief administrative
4 officer and at least sixty days before the beginning of the city's next
5 fiscal year he or she shall file it with the city clerk as the
6 recommendation of the chief administrative officer for the final
7 budget. The clerk shall provide a sufficient number of copies of such
8 preliminary budget and budget message to meet the reasonable demands of
9 taxpayers therefor and have them available for distribution not later
10 than six weeks before the beginning of the city's next fiscal year.

11 **Sec. 3034.** RCW 35A.33.135 and 1967 ex.s. c 119 s 35A.33.135 are
12 each amended to read as follows:

13 At a time fixed by the city's ordinance or charter, not later than
14 the first Monday in October of each year, the chief administrative
15 officer shall provide the city's legislative body with current
16 information on estimates of revenues from all sources as adopted in the
17 budget for the current year, together with estimates submitted by the
18 clerk under RCW 35A.33.050. The city's legislative body and the city's
19 administrative officer or his or her designated representative shall
20 consider the city's total anticipated financial requirements for the
21 ensuing fiscal year, and the legislative body shall determine and fix
22 by ordinance the amount to be raised by ad valorem taxes. Upon
23 adoption of the ordinance fixing the amount of ad valorem taxes to be
24 levied, the clerk shall certify the same to the board of county
25 commissioners as required by RCW 84.52.020.

26 **Sec. 3035.** RCW 35A.33.160 and 1967 ex.s. c 119 s 35A.33.160 are
27 each amended to read as follows:

28 Upon the conviction of any city official, department head or other
29 city employee of knowingly failing, or refusing, without just cause, to
30 perform any duty imposed upon such officer or employee by this chapter,
31 or city ordinance or charter, in connection with the giving of notice,
32 the preparing and filing of estimates of revenues or expenditures or
33 other information required for preparing a budget report in the time
34 and manner required, or of knowingly making expenditures in excess of
35 budget appropriations, he or she shall be guilty of a misdemeanor and

1 shall be fined not more than five hundred dollars for each separate
2 violation.

3 **Sec. 3036.** RCW 35A.36.010 and 1967 ex.s. c 119 s 35A.36.010 are
4 each amended to read as follows:

5 The mayor, finance officer, city clerk, or other officer of a code
6 city who is authorized or required by law, charter, or ordinance to
7 execute bonds of the city or any subdivision or district thereof may
8 designate one or more bonded persons to affix such officer's signature
9 to any bond or bonds requiring his or her signature. If the signature
10 of one of these officers is affixed to a bond during his or her
11 continuance in office by a proxy designated by him or her whose
12 authority has not been revoked, the bond shall be as binding upon the
13 city and all concerned as though the officer had signed the bond in
14 person. This chapter shall apply to all bonds, whether they constitute
15 obligations of the city as a whole or of any local improvement or other
16 district or subdivision thereof, whether they call for payment from the
17 general funds of the city or from a local, special or other fund, and
18 whether negotiable or otherwise.

19 **Sec. 3037.** RCW 35A.36.050 and 1967 ex.s. c 119 s 35A.36.050 are
20 each amended to read as follows:

21 A code city officer authorizing the affixing of his or her
22 signature to a bond by a proxy shall be subject to the same liability
23 personally and on his or her bond for any signature so affixed and to
24 the same extent as if he or she had affixed his or her signature in
25 person.

26 **Sec. 3038.** RCW 35A.36.060 and 1967 ex.s. c 119 s 35A.36.060 are
27 each amended to read as follows:

28 In order to designate a proxy to affix his or her signature to
29 bonds, a code city officer shall address a written notice to the
30 legislative body of the city giving the name of the person whom he or
31 she has selected therefor and stating generally or specifically what
32 bonds are to be so signed.

33 Attached to or included in the notice shall be a written signature
34 of the officer making the designation executed by the proposed proxy
35 followed by the word "by" and his or her own signature; or, if the

1 notice so states, the specimen signatures may consist of a facsimile
2 reproduction of the officer's signature impressed by some mechanical
3 process followed by the word "by" and the proxy's own signature.

4 If the authority is intended to include the signature upon bonds
5 bearing an earlier date than the effective date of the notice, the
6 prior dated bonds must be specifically described by reasonable
7 reference thereto.

8 The notice designating a proxy shall be filed with the city finance
9 officer or city clerk, together with the specimen signatures attached
10 thereto and a record of the filing shall be made in the journal of the
11 legislative body. This record shall note the date and hour of filing
12 and may be made by the official who keeps the journal at any time after
13 the filing of the notice, even during a period of recess or adjournment
14 of the legislative body. The notice shall be effective from the time
15 of its recording.

16 **Sec. 3039.** RCW 35A.42.010 and 1987 c 331 s 78 are each amended to
17 read as follows:

18 In addition to authority granted and duties imposed upon code city
19 treasurers by this title, code city treasurers, or the officers
20 designated by charter or ordinance to perform the duties of a
21 treasurer, shall have the duties and the authority to perform the
22 following: (1) As provided in RCW 8.12.500 relating to bonds and
23 compensation payments in eminent domain proceedings; (2) as provided in
24 RCW 68.52.050 relating to cemetery improvement funds; (3) as provided
25 in RCW 41.28.080 relating to custody of employees' retirement funds;
26 (4) as provided in RCW 47.08.100 relating to the use of city street
27 funds; (5) as provided in RCW 46.68.080 relating to motor vehicle
28 funds; (6) as provided in RCW 41.16.020 and chapter 41.20 RCW relating
29 to police and (~~firemen's~~) firefighters' relief and pension boards;
30 (7) as provided in chapter 42.20 RCW relating to misappropriation of
31 funds; and (8) as provided in chapter 39.60 RCW relating to investment
32 of municipal funds. The treasurer shall be subject to the penalties
33 imposed for the violation of any of such provisions. Where a provision
34 of this title, or the general law, names the city treasurer as an
35 officer of a board or other body, or assigns duties to a city
36 treasurer, such position shall be filled, or such duties performed, by

1 the officer of a code city who is performing the duties usually
2 performed by a city treasurer, although he or she may not have that
3 designation.

4 **Sec. 3040.** RCW 35A.42.030 and 1967 ex.s. c 119 s 35A.42.030 are
5 each amended to read as follows:

6 In the event that the mayor, manager or other chief executive
7 officer of any code city is unavailable by reason of enemy attack to
8 exercise the powers and to discharge the duties of his or her office,
9 his or her successor or substitute shall be selected in the manner
10 provided by RCW 42.14.050 subject to rules and regulations providing
11 for the appointment of temporary interim successors adopted under RCW
12 42.14.070.

13 **Sec. 3041.** RCW 35A.63.020 and 1979 ex.s. c 18 s 33 are each
14 amended to read as follows:

15 By ordinance a code city may create a planning agency and provide
16 for its membership, organization, and expenses. The planning agency
17 shall serve in an advisory capacity to the chief administrative officer
18 or the legislative body, or both, as may be provided by ordinance and
19 shall have such other powers and duties as shall be provided by
20 ordinance. If any person or persons on a planning agency concludes
21 that he or she has a conflict of interest or an appearance of fairness
22 problem with respect to a matter pending before the agency so that he
23 or she cannot discharge his or her duties on such an agency, he or she
24 shall disqualify himself or herself from participating in the
25 deliberations and the decision-making process with respect to the
26 matter. If this occurs, the appointing authority that appoints such a
27 person may appoint a person to serve as an alternate on the agency to
28 serve in his or her stead in regard to such a matter.

29 **Sec. 3042.** RCW 35A.63.110 and 2001 c 200 s 1 are each amended to
30 read as follows:

31 A code city which pursuant to this chapter creates a planning
32 agency and which has twenty-five hundred or more inhabitants, by
33 ordinance, shall create a board of adjustment and provide for its
34 membership, terms of office, organization, jurisdiction. A code city
35 which pursuant to this chapter creates a planning agency and which has

1 a population of less than twenty-five hundred may, by ordinance,
2 similarly create a board of adjustment. In the event a code city with
3 a population of less than twenty-five hundred creates a planning
4 agency, but does not create a board of adjustment, the code city shall
5 provide that the city legislative authority shall itself hear and
6 decide the items listed in subdivisions (1), (2), and (3) of this
7 section. The action of the board of adjustment shall be final and
8 conclusive, unless, within twenty-one days from the date of the action,
9 the original applicant or an adverse party makes application to the
10 superior court for the county in which that city is located for a writ
11 of certiorari, a writ of prohibition, or a writ of mandamus. No member
12 of the board of adjustment shall be a member of the planning agency or
13 the legislative body. Subject to conditions, safeguards, and
14 procedures provided by ordinance, the board of adjustment may be
15 empowered to hear and decide:

16 (1) Appeals from orders, recommendations, permits, decisions, or
17 determinations made by a code city official in the administration or
18 enforcement of the provisions of this chapter or any ordinances adopted
19 pursuant to it.

20 (2) Applications for variances from the terms of the zoning
21 ordinance, the official map ordinance or other land-use regulatory
22 ordinances under procedures and conditions prescribed by city
23 ordinance, which among other things shall provide that no application
24 for a variance shall be granted unless the board of adjustment finds:

25 (a) the variance shall not constitute a grant of special privilege
26 inconsistent with the limitation upon uses of other properties in the
27 vicinity and zone in which the property on behalf of which the
28 application was filed is located; and

29 (b) that such variance is necessary, because of special
30 circumstances relating to the size, shape, topography, location, or
31 surroundings of the subject property, to provide it with use rights and
32 privileges permitted to other properties in the vicinity and in the
33 zone in which the subject property is located; and

34 (c) that the granting of such variance will not be materially
35 detrimental to the public welfare or injurious to the property or
36 improvements in the vicinity and zone in which the subject property is
37 situated.

1 (3) Applications for conditional-use permits, unless such
2 applications are to be heard and decided by the planning agency. A
3 conditional use means a use listed among those classified in any given
4 zone but permitted to locate only after review as herein provided in
5 accordance with standards and criteria set forth in the zoning
6 ordinance.

7 (4) Such other quasi judicial and administrative determinations as
8 may be delegated by ordinance.

9 In deciding any of the matters referred to in subsections (1), (2),
10 (3), and (4) of this section, the board of adjustment shall issue a
11 written report giving the reasons for its decision. If a code city
12 provides for a hearing examiner and vests in him or her the authority
13 to hear and decide the items listed in subdivisions (1), (2), and (3)
14 of this section pursuant to RCW 35A.63.170, then the provisions of this
15 section shall not apply to such a city.

16 PART IV

17 **Sec. 4001.** RCW 36.08.020 and 1963 c 4 s 36.08.020 are each amended
18 to read as follows:

19 The election shall be conducted in all respects as general
20 elections are conducted under the laws governing general elections, in
21 so far as they may be applicable, except that there shall be triplicate
22 returns made, one to each of the respective county auditors and another
23 to the office of the secretary of state. The ballots used at such
24 election shall contain the words "for transferring territory," or
25 "against transferring territory." The votes shall be canvassed, as by
26 law required, within twenty days, and if three-fifths of the votes cast
27 in the territory at such election are "for transferring territory," the
28 territory described in the petition shall become a part of and be added
29 to and made a part of the county contiguous thereto, and within thirty
30 days after the canvass of the returns of the election, the governor
31 shall issue his or her proclamation of the change of county lines.

32 **Sec. 4002.** RCW 36.08.070 and 1963 c 4 s 36.08.070 are each amended
33 to read as follows:

34 If the board of appraisers and adjusters do not agree on any

1 subject, value, or settlement, they shall choose a third (~~man~~) person
2 from an adjoining county to settle their differences, and the decision
3 thus arrived at shall be final.

4 **Sec. 4003.** RCW 36.08.090 and 1963 c 4 s 36.08.090 are each amended
5 to read as follows:

6 The county auditor of the county to which any territory may be
7 transferred may take transcripts of all records, books, papers, etc.,
8 on file in the office of the county auditor of the county from which
9 the territory has been transferred, which may be necessary to perfect
10 the records of his or her county, and for this purpose he or she shall
11 have access to the records of the county from which such territory is
12 stricken, free of cost.

13 **Sec. 4004.** RCW 36.09.020 and 1963 c 4 s 36.09.020 are each amended
14 to read as follows:

15 The auditor of the old county shall give the auditor of the new
16 county reasonable notice to meet him or her on a certain day at the
17 county seat of the old county, or at some other convenient place, to
18 settle upon and fix the amount which the new county shall pay. In
19 doing so, they shall not charge either county with any share of debts
20 arising from the erection of public buildings, or out of the
21 construction of roads or bridges which shall be and remain, after the
22 division, within the limits of the other county, and of the other debts
23 they shall apportion to each county such a share of the indebtedness as
24 may be just and equitable, taking into consideration the population of
25 such portion of territory so forming a part of the said counties while
26 so united, and also the relative advantages, derived from the old
27 county organization.

28 **Sec. 4005.** RCW 36.09.040 and 1963 c 4 s 36.09.040 are each amended
29 to read as follows:

30 The auditor of the county indebted upon such decision shall give to
31 the auditor of the other county his or her order upon the treasurer for
32 the amount to be paid out of the proper fund, as in other cases, and
33 also make out a transfer of such property as shall be assigned to
34 either county.

1 **Sec. 4006.** RCW 36.13.040 and 1963 c 4 s 36.13.040 are each amended
2 to read as follows:

3 All persons resident in the county, having knowledge of the facts,
4 shall give the information required herein to any duly authorized
5 census enumerator when requested by him or her.

6 **Sec. 4007.** RCW 36.16.040 and 1963 c 4 s 36.16.040 are each amended
7 to read as follows:

8 Every person elected to county office shall before he or she enters
9 upon the duties of his or her office take and subscribe an oath or
10 affirmation that he or she will faithfully and impartially discharge
11 the duties of his or her office to the best of his or her ability.
12 This oath, or affirmation, shall be administered and certified by an
13 officer authorized to administer oaths, without charge therefor.

14 **Sec. 4008.** RCW 36.16.060 and 1963 c 4 s 36.16.060 are each amended
15 to read as follows:

16 Every county officer, before entering upon the duties of his or her
17 office, shall file his or her oath of office in the office of the
18 county auditor and his or her official bond in the office of the county
19 clerk: PROVIDED, That the official bond of the county clerk, after
20 first being recorded by the county auditor, shall be filed in the
21 office of the county treasurer.

22 Oaths and bonds of deputies shall be filed in the offices in which
23 the oaths and bonds of their principals are required to be filed.

24 **Sec. 4009.** RCW 36.16.070 and 1969 ex.s. c 176 s 92 are each
25 amended to read as follows:

26 In all cases where the duties of any county office are greater than
27 can be performed by the person elected to fill it, the officer may
28 employ deputies and other necessary employees with the consent of the
29 board of county commissioners. The board shall fix their compensation
30 and shall require what deputies shall give bond and the amount of bond
31 required from each. The sureties on deputies' bonds must be approved
32 by the board and the premium therefor is a county expense.

33 A deputy may perform any act which his or her principal is
34 authorized to perform. The officer appointing a deputy or other

1 employee shall be responsible for the acts of his or her appointees
2 upon his or her official bond and may revoke each appointment at
3 pleasure.

4 **Sec. 4010.** RCW 36.16.087 and 1963 c 4 s 36.16.087 are each amended
5 to read as follows:

6 In all cases in which the county treasurer of any county in the
7 state of Washington shall have executed a tax deed or deeds prior to
8 February 21, 1903, either to his or her county or to any private person
9 or persons or corporation whomsoever, said deed or deeds shall not be
10 deemed invalid by reason of the county treasurer who executed the same
11 not having affixed a seal of office to the same, or having affixed a
12 seal not an official seal; nor shall said deed or deeds be deemed
13 invalid by reason of the fact that at the date of the execution of said
14 deed or deeds there was in the state of Washington no statute providing
15 for an official seal for the office of county treasurer.

16 **Sec. 4011.** RCW 36.16.120 and 1963 c 4 s 36.16.120 are each amended
17 to read as follows:

18 All county officers shall complete the business of their offices,
19 to the time of the expiration of their respective terms, and in case
20 any officer, at the close of his or her term, leaves to his or her
21 successor official labor to be performed, which it was his or her duty
22 to perform, he or she shall be liable to his or her successor for the
23 full value of such services.

24 **Sec. 4012.** RCW 36.17.045 and 1963 c 164 s 3 are each amended to
25 read as follows:

26 Employees of the counties shall have the right to voluntarily
27 authorize the monthly deduction of their pledges to the United Good
28 Neighbor or its successor, monthly payment to a credit unit, and
29 monthly dues to a labor union, from their salaries or wages. When such
30 written authorization is received by the county auditor, he or she
31 shall make such monthly deduction.

32 **Sec. 4013.** RCW 36.17.050 and 1999 c 71 s 3 are each amended to
33 read as follows:

34 The auditor shall not draw his or her warrant for the salary of any

1 officer until the latter shall have first filed his or her duplicate
2 receipt with the auditor, properly signed by the treasurer, showing he
3 or she has made the last required monthly statement and settlement. If
4 the superior court issues a declaratory judgment under RCW 36.16.125
5 finding that a county officer has abandoned his or her duties, the
6 county officer may not be paid a salary.

7 **Sec. 4014.** RCW 36.18.030 and 1963 c 4 s 36.18.030 are each amended
8 to read as follows:

9 Coroners shall collect for their official services, the following
10 fees:

11 For each inquest held, besides mileage, twenty dollars.

12 For issuing a venire, two dollars.

13 For drawing all necessary writings, two dollars for first page and
14 one dollar for each page thereafter.

15 For mileage each way, per mile, ten cents.

16 For performing the duties of a sheriff, he or she shall receive the
17 same fees as a sheriff would receive for the same service.

18 **Sec. 4015.** RCW 36.18.050 and 1963 c 4 s 36.18.050 are each amended
19 to read as follows:

20 Every officer who shall be called on or required to perform service
21 for which no fees or compensation are provided for in this chapter
22 shall be allowed fees similar and equal to those allowed him or her for
23 services of the same kind for which allowance is made herein.

24 **Sec. 4016.** RCW 36.18.060 and 1981 c 194 s 2 are each amended to
25 read as follows:

26 The officers mentioned in this chapter except the county sheriff
27 shall not, in any case, except for the state or county, perform any
28 official services unless the fees prescribed therefor are paid in
29 advance, and on such payment the officer must perform the services
30 required. The county sheriff may allow payment to be made after
31 official services have been performed as the sheriff deems appropriate.
32 For every failure or refusal to perform official duty when the fees are
33 tendered, the officer is liable on his or her official bond.

1 **Sec. 4017.** RCW 36.18.070 and 1963 c 4 s 36.18.070 are each amended
2 to read as follows:

3 When any sheriff, constable or coroner serves more than one process
4 in the same cause or on the same person not requiring more than one
5 journey from his or her office, he or she shall receive mileage only
6 for the most distant service.

7 **Sec. 4018.** RCW 36.18.080 and 1963 c 4 s 36.18.080 are each amended
8 to read as follows:

9 Every county officer entitled to collect fees from the public shall
10 keep posted in his or her office a plain and legible statement of the
11 fees allowed by law and failure so to do shall subject the officer to
12 a fine of one hundred dollars and costs, to be recovered in any court
13 of competent jurisdiction.

14 **Sec. 4019.** RCW 36.18.090 and 1963 c 4 s 36.18.090 are each amended
15 to read as follows:

16 Every officer, when requested so to do, shall make out a bill of
17 his or her fees in every case, and for any services, specifying each
18 particular item thereof, and receipt the same when it is paid, which
19 bill of fees shall always be subject to examination and correction by
20 the courts. Any officer who fails to comply with the requirements of
21 this section shall be liable to the person paying the fees in treble
22 the amount so paid.

23 **Sec. 4020.** RCW 36.18.130 and 1963 c 4 s 36.18.130 are each amended
24 to read as follows:

25 If any errors or irregularities are found by the checking officer
26 he or she shall immediately notify the officer interested, and if
27 within three days after such notification the errors or irregularities
28 are not corrected by such officer, the checking officer shall notify
29 the board of county commissioners in writing and upon receipt of such
30 notification the board shall proceed against such officer in the manner
31 provided by law.

32 **Sec. 4021.** RCW 36.18.160 and 1963 c 4 s 36.18.160 are each amended
33 to read as follows:

34 If any officer takes more or greater fees than are allowed by law

1 he or she shall be subject to prosecution, and on conviction, shall be
2 removed from office and fined in a sum not exceeding one thousand
3 dollars.

4 **Sec. 4022.** RCW 36.18.180 and 1963 c 4 s 36.18.180 are each amended
5 to read as follows:

6 The board of county commissioners of any county in this state, upon
7 receiving a certified copy of the record of conviction of any officer
8 for receiving illegal fees, or where the officer collects fees and
9 fails to account for the same, upon proof thereof must declare his or
10 her office vacant and appoint his or her successor.

11 **Sec. 4023.** RCW 36.22.030 and 1963 c 4 s 36.22.030 are each amended
12 to read as follows:

13 Auditors and their deputies may administer oaths necessary in the
14 performance of their duties and in all other cases where oaths are
15 required by law to be administered and take acknowledgments of deeds
16 and other instruments in writing: PROVIDED, That any deputy county
17 auditor, in administering such oath or taking such acknowledgment,
18 shall certify to the same in his or her own name as deputy, and not in
19 the name of his or her principal, and shall attach thereto the seal of
20 the office: PROVIDED, That all oaths administered or acknowledgments
21 taken by any deputy of any county auditor certifying to the same in the
22 name of his or her principal by himself or herself as such deputy,
23 prior to the taking effect of chapter 119, Laws of 1893 be and the same
24 are hereby legalized and made valid and binding.

25 **Sec. 4024.** RCW 36.22.040 and 1963 c 4 s 36.22.040 are each amended
26 to read as follows:

27 The county auditor shall audit all claims, demands, and accounts
28 against the county which by law are chargeable to the county, except
29 such cost or fee bills as are by law to be examined or approved by some
30 other judicial tribunal or officer. Such claims as it is his or her
31 duty to audit shall be presented to the board of county commissioners
32 for their examination and allowance.

33 **Sec. 4025.** RCW 36.22.050 and 1975 c 31 s 1 are each amended to
34 read as follows:

1 For claims allowed by the county commissioners, and also for cost
2 bills and other lawful claims duly approved by the competent tribunal
3 designated by law for their allowance, he or she shall draw a warrant
4 on the county treasurer, made payable to the claimant or his or her
5 order, bearing date from the time of and regularly numbered in the
6 order of their issue. If there is not sufficient cash in the county
7 treasury to cover such claims or cost bills, or if a claimant requests,
8 the auditor may issue a number of smaller warrants, the total principal
9 amounts of which shall equal the amount of said claim or cost bill.

10 **Sec. 4026.** RCW 36.22.120 and 1963 c 4 s 36.22.120 are each amended
11 to read as follows:

12 In case the auditor is unable to attend to the duties of his or her
13 office during any session of the board of county commissioners, and has
14 no deputy by him or her appointed in attendance, the board may
15 temporarily appoint a suitable person not by law disqualified from
16 acting as such to perform the auditor's duties.

17 **Sec. 4027.** RCW 36.22.150 and 1963 c 4 s 36.22.150 are each amended
18 to read as follows:

19 Each auditor, on retiring from office, shall deliver to his or her
20 successor the seal of office and all the books, records, and
21 instruments of writing belonging to the office, and take his or her
22 receipt therefor. In case of the death of the auditor, his or her
23 legal representatives shall deliver over the seal, books, records and
24 papers.

25 **Sec. 4028.** RCW 36.23.020 and 1963 c 4 s 36.23.020 are each amended
26 to read as follows:

27 When the judge or judges of any court, or a majority of them,
28 believe that the clerk of the court does not have a good and sufficient
29 bond on file, or that the bond is not large enough in amount, such
30 judge or judges shall enter an order requiring him or her, within such
31 time as may be specified in the order, to execute and present to them
32 a good and sufficient bond, in such sum as may be fixed by the order.
33 In case of his or her failure to file the bond within ten days from the
34 expiration of the date fixed the judge or judges shall declare the
35 office vacant.

1 **Sec. 4029.** RCW 36.23.040 and 1963 c 4 s 36.23.040 are each amended
2 to read as follows:

3 The clerk shall be responsible for the safe custody and delivery to
4 his or her successor of all books and papers belonging to his or her
5 office.

6 **Sec. 4030.** RCW 36.23.080 and 1963 c 4 s 36.23.080 are each amended
7 to read as follows:

8 The office of the clerk of the superior court shall be kept at the
9 county seat of the county of which he or she is clerk.

10 **Sec. 4031.** RCW 36.24.010 and 1963 c 4 s 36.24.010 are each amended
11 to read as follows:

12 The coroner shall perform the duties of the sheriff in all cases
13 where the sheriff is interested or otherwise incapacitated from
14 serving; and whenever the coroner acts as sheriff he or she shall
15 possess the powers and perform all the duties of sheriff, and shall be
16 liable on his or her official bond in like manner as the sheriff would
17 be, and shall be entitled to the same fees as are allowed by law to the
18 sheriff for similar services: PROVIDED, That nothing herein contained
19 shall prevent the court from appointing a suitable person to discharge
20 such duties, as provided by RCW 36.28.090.

21 **Sec. 4032.** RCW 36.24.020 and 1988 c 188 s 18 are each amended to
22 read as follows:

23 Any coroner, in his or her discretion, may hold an inquest if the
24 coroner suspects that the death of a person was unnatural, or violent,
25 or resulted from unlawful means, or from suspicious circumstances, or
26 was of such a nature as to indicate the possibility of death by the
27 hand of the deceased or through the instrumentality of some other
28 person: PROVIDED, That, except under suspicious circumstances, no
29 inquest shall be held following a traffic death.

30 The coroner in the county where an inquest is to be convened
31 pursuant to this chapter shall notify the superior court to provide
32 persons to serve as a jury of inquest to hear all the evidence
33 concerning the death and to inquire into and render a true verdict on
34 the cause of death. Jurors shall be selected and summoned in the same
35 manner and shall have the same qualifications as specified in chapter

1 2.36 RCW. The prosecuting attorney having jurisdiction shall be
2 notified in advance of any such inquest to be held, and at his or her
3 discretion may be present at and assist the coroner in the conduct of
4 the same. The coroner may adjourn the inquest from time to time as he
5 or she may deem necessary.

6 The costs of inquests shall be borne by the county in which the
7 inquest is held.

8 **Sec. 4033.** RCW 36.24.040 and 1963 c 4 s 36.24.040 are each amended
9 to read as follows:

10 When four or more of the jurors attend, they shall be sworn by the
11 coroner to inquire who the person was, and when, where, and by what
12 means he or she came to his or her death, and into the circumstances
13 attending his or her death, and to render a true verdict therein,
14 according to the evidence afforded them, or arising from the inspection
15 of the body.

16 **Sec. 4034.** RCW 36.24.070 and 1963 c 4 s 36.24.070 are each amended
17 to read as follows:

18 After hearing the testimony, the jury shall render its verdict and
19 certify the same in writing signed by the jurors, and setting forth who
20 the person killed is, if known, and when, where and by what means he or
21 she came to his or her death; or if he or she was killed, or his or her
22 death was occasioned by the act of another by criminal means, who is
23 guilty thereof, if known.

24 **Sec. 4035.** RCW 36.24.080 and 1963 c 4 s 36.24.080 are each amended
25 to read as follows:

26 In all cases where murder or manslaughter is supposed to have been
27 committed, the testimony of witnesses taken before the coroner's jury
28 shall be reduced to writing by the coroner, or under his or her
29 direction, and he or she shall also recognize such witnesses to appear
30 and testify in the superior court of the county, and shall forthwith
31 file the written testimony, inquisition, and recognizance with the
32 clerk of such court.

33 **Sec. 4036.** RCW 36.24.090 and 1963 c 4 s 36.24.090 are each amended
34 to read as follows:

1 If the person charged with the commission of the offense has been
2 arrested before the inquisition has been filed, the coroner shall
3 deliver the recognizance and the inquisition, with the testimony taken,
4 to the magistrate before whom such person may be brought, who shall
5 return the same, with the depositions and statements taken before him
6 or her to the clerk of the superior court of the county.

7 **Sec. 4037.** RCW 36.24.110 and 1963 c 4 s 36.24.110 are each amended
8 to read as follows:

9 The coroner's warrant shall be in substantially the following form:

10 State of Washington, }
11 } ss.
12 County of..... }
13 To any sheriff or constable of the county.
14 An inquisition having been this day found by the
15 coroner's jury, before me, stating that A B has come to his
16 or her death by the act of C D, by criminal means (or as the
17 case may be, as found by the inquisition), you are therefore
18 commanded, in the name of the state of Washington,
19 forthwith to arrest the above named C D, and take him or
20 her before the nearest or most accessible magistrate in this
21 county.
22 Given under my hand this day of, A.D.
23 19...
24 EF, coroner of the county of

25 **Sec. 4038.** RCW 36.24.155 and 1969 ex.s. c 259 s 2 are each amended
26 to read as follows:

27 Whenever anyone shall die within a county without making prior
28 plans for the disposition of his or her body and there is no other
29 person willing to provide for the disposition of the body, the county
30 coroner shall cause such body to be entrusted to a funeral home in the
31 county where the body is found. Disposition shall be on a rotation
32 basis, which shall treat equally all funeral homes or mortuaries
33 desiring to participate, such rotation to be established by the coroner
34 after consultation with representatives of the funeral homes or
35 mortuaries in the county or counties involved.

1 **Sec. 4039.** RCW 36.24.170 and 1963 c 4 s 36.24.170 are each amended
2 to read as follows:

3 The coroner shall not appear or practice as attorney in any court,
4 except in defense of himself or herself or his or her deputies.

5 **Sec. 4040.** RCW 36.24.180 and 1963 c 4 s 36.24.180 are each amended
6 to read as follows:

7 Before auditing and allowing the account of the coroner the board
8 of county commissioners shall require from him or her a verified
9 statement in writing, accounting for all money or other property found
10 upon persons on whom inquests have been held by him or her, and that
11 the money or property mentioned in it has been delivered to the legal
12 representatives of the deceased, or to the county treasurer.

13 **Sec. 4041.** RCW 36.26.050 and 1969 c 94 s 5 are each amended to
14 read as follows:

15 The public defender shall make an annual report to each board of
16 county commissioners within his or her district. If any public
17 defender district embraces more than one county or a cooperating city,
18 the public defender shall maintain records of expenses allocable to
19 each county or city within the district, and shall charge such expenses
20 only against the county or city for which the services were rendered or
21 the costs incurred. The boards of county commissioners of counties and
22 the governing authority of any city participating jointly in a public
23 defender district are authorized to provide for the sharing of the
24 costs of the district by mutual agreement, for any costs which cannot
25 be specifically apportioned to any particular county or city within the
26 district.

27 Expenditures by the public defender shall be subject to the
28 provisions of chapter 36.40 RCW and other statutes relating to
29 expenditures by counties or cities.

30 **Sec. 4042.** RCW 36.26.060 and 1969 c 94 s 6 are each amended to
31 read as follows:

32 (1) The board of county commissioners shall:

33 (a) Fix the compensation of the public defender and of any staff
34 appointed to assist him or her in the discharge of his or her duties:

1 PROVIDED, That the compensation of the public defender shall not exceed
2 that of the county prosecutor in those districts which comprise only
3 one county;

4 (b) Provide office space, furniture, equipment and supplies for the
5 use of the public defender suitable for the conduct of his or her
6 office in the discharge of his or her duties, or provide an allowance
7 in lieu of facilities and supplies.

8 (2) The public defender may appoint as many assistant attorney
9 public defenders, clerks, investigators, stenographers and other
10 employees as the board of county commissioners considers necessary in
11 the discharge of his or her duties as a public defender.

12 **Sec. 4043.** RCW 36.26.070 and 1984 c 76 s 18 are each amended to
13 read as follows:

14 The public defender must represent, without charge to any accused,
15 every indigent person who is or has been arrested or charged with a
16 crime for which court appointed counsel for indigent defendants is
17 required either under the Constitution of the United States or under
18 the Constitution and laws of the state of Washington:

19 (1) If such arrested person or accused, having been apprised of his
20 or her constitutional and statutory rights to counsel, requests the
21 appointment of counsel to represent him or her; and

22 (2) If a court, on its own motion or otherwise, does not appoint
23 counsel to represent the accused; and

24 (3) Unless the arrested person or accused, having been apprised of
25 his or her right to counsel in open court, affirmatively rejects or
26 intelligently repudiates his or her constitutional and statutory rights
27 to be represented by counsel.

28 **Sec. 4044.** RCW 36.26.080 and 1969 c 94 s 8 are each amended to
29 read as follows:

30 Whenever the public defender represents any indigent person held in
31 custody without commitment or charged with any criminal offense, he or
32 she must (1) counsel and defend such person, and (2) prosecute any
33 appeals and other remedies, whether before or after conviction, which
34 he or she considers to be in the interests of justice.

1 **Sec. 4045.** RCW 36.27.010 and 1963 c 4 s 36.27.010 are each amended
2 to read as follows:

3 No person shall be eligible to the office of prosecuting attorney
4 in any county of this state, unless he or she is a qualified elector
5 therein, and has been admitted as an attorney and counselor of the
6 courts of this state.

7 **Sec. 4046.** RCW 36.27.030 and 1963 c 4 s 36.27.030 are each amended
8 to read as follows:

9 When from illness or other cause the prosecuting attorney is
10 temporarily unable to perform his or her duties, the court or judge may
11 appoint some qualified person to discharge the duties of such officer
12 in court until the disability is removed.

13 When any prosecuting attorney fails, from sickness or other cause,
14 to attend a session of the superior court of his or her county, or is
15 unable to perform his or her duties at such session, the court or judge
16 may appoint some qualified person to discharge the duties of such
17 session, and the appointee shall receive a compensation to be fixed by
18 the court, to be deducted from the stated salary of the prosecuting
19 attorney, not exceeding, however, one-fourth of the quarterly salary of
20 the prosecuting attorney: PROVIDED, That in counties wherein there is
21 no person qualified for the position of prosecuting attorney, or
22 wherein no qualified person will consent to perform the duties of that
23 office, the judge of the superior court shall appoint some suitable
24 person, a duly admitted and practicing attorney-at-law and resident of
25 the state to perform the duties of prosecuting attorney for such
26 county, and he or she shall receive such reasonable compensation for
27 his or her services as shall be fixed and ordered by the court, to be
28 paid by the county for which the services are performed.

29 **Sec. 4047.** RCW 36.27.040 and 2000 c 23 s 2 are each amended to
30 read as follows:

31 The prosecuting attorney may appoint one or more deputies who shall
32 have the same power in all respects as their principal. Each
33 appointment shall be in writing, signed by the prosecuting attorney,
34 and filed in the county auditor's office. Each deputy thus appointed
35 shall have the same qualifications required of the prosecuting
36 attorney, except that such deputy need not be a resident of the county

1 in which he or she serves. The prosecuting attorney may appoint one or
2 more special deputy prosecuting attorneys upon a contract or fee basis
3 whose authority shall be limited to the purposes stated in the writing
4 signed by the prosecuting attorney and filed in the county auditor's
5 office. Such special deputy prosecuting attorney shall be admitted to
6 practice as an attorney before the courts of this state but need not be
7 a resident of the county in which he or she serves and shall not be
8 under the legal disabilities attendant upon prosecuting attorneys or
9 their deputies except to avoid any conflict of interest with the
10 purpose for which he or she has been engaged by the prosecuting
11 attorney. The prosecuting attorney shall be responsible for the acts
12 of his or her deputies and may revoke appointments at will.

13 Two or more prosecuting attorneys may agree that one or more
14 deputies for any one of them may serve temporarily as deputy for any
15 other of them on terms respecting compensation which are acceptable to
16 said prosecuting attorneys. Any such deputy thus serving shall have
17 the same power in all respects as if he or she were serving
18 permanently.

19 The provisions of chapter 39.34 RCW shall not apply to such
20 agreements.

21 The provisions of RCW 41.56.030(2) shall not be interpreted to
22 permit a prosecuting attorney to alter the at-will relationship
23 established between the prosecuting attorney and his or her appointed
24 deputies by this section for a period of time exceeding his or her term
25 of office. Neither shall the provisions of RCW 41.56.030(2) require a
26 prosecuting attorney to alter the at-will relationship established by
27 this section.

28 **Sec. 4048.** RCW 36.27.050 and 1963 c 4 s 36.27.050 are each amended
29 to read as follows:

30 No prosecuting attorney shall receive any fee or reward from any
31 person, on behalf of any prosecution, or for any of his or her official
32 services, except as provided in this title, nor shall he or she be
33 engaged as attorney or counsel for any party in any action depending
34 upon the same facts involved in any criminal proceeding.

35 **Sec. 4049.** RCW 36.27.070 and 1963 c 4 s 36.27.070 are each amended
36 to read as follows:

1 The prosecuting attorney of each county in the state of Washington
2 must keep an office at the county seat of the county of which he or she
3 is prosecuting attorney.

4 **Sec. 4050.** RCW 36.28.010 and 1965 c 92 s 1 are each amended to
5 read as follows:

6 The sheriff is the chief executive officer and conservator of the
7 peace of the county. In the execution of his or her office, he or she
8 and his or her deputies:

9 (1) Shall arrest and commit to prison all persons who break the
10 peace, or attempt to break it, and all persons guilty of public
11 offenses;

12 (2) Shall defend the county against those who, by riot or
13 otherwise, endanger the public peace or safety;

14 (3) Shall execute the process and orders of the courts of justice
15 or judicial officers, when delivered for that purpose, according to
16 law;

17 (4) Shall execute all warrants delivered for that purpose by other
18 public officers, according to the provisions of particular statutes;

19 (5) Shall attend the sessions of the courts of record held within
20 the county, and obey their lawful orders or directions;

21 (6) Shall keep and preserve the peace in their respective counties,
22 and quiet and suppress all affrays, riots, unlawful assemblies and
23 insurrections, for which purpose, and for the service of process in
24 civil or criminal cases, and in apprehending or securing any person for
25 felony or breach of the peace, they may call to their aid such persons,
26 or power of their county as they may deem necessary.

27 **Sec. 4051.** RCW 36.28.020 and 1963 c 4 s 36.28.020 are each amended
28 to read as follows:

29 Every deputy sheriff shall possess all the power, and may perform
30 any of the duties, prescribed by law to be performed by the sheriff,
31 and shall serve or execute, according to law, all process, writs,
32 precepts, and orders, issued by lawful authority.

33 Persons may also be deputed by the sheriff in writing to do
34 particular acts; including the service of process in civil or criminal
35 cases, and the sheriff shall be responsible on his or her official bond
36 for their default or misconduct.

1 **Sec. 4052.** RCW 36.28.030 and 1963 c 4 s 36.28.030 are each amended
2 to read as follows:

3 Whenever the company acting as surety on the official bond of a
4 sheriff is disqualified, insolvent, or the penalty of the bond becomes
5 insufficient on account of recovery had thereon, or otherwise, the
6 sheriff shall submit a new or additional bond for approval to the board
7 of county commissioners, if in session, or, if not in session, for the
8 approval of the ((~~chairman~~)) chair of such board, and file the same,
9 when approved, in the office of the county clerk of his or her county,
10 and such new or additional bond shall be in a penal sum sufficient in
11 amount to equal the sum specified in the original bond when added to
12 the penalty of any existing bond, so that under one or more bonds there
13 shall always be an enforceable obligation of the surety on the official
14 bond or bonds of the sheriff in a penal sum of not less than the amount
15 of the bond as originally approved.

16 **Sec. 4053.** RCW 36.28.040 and 1963 c 4 s 36.28.040 are each amended
17 to read as follows:

18 No sheriff, deputy sheriff, or coroner shall be liable for any
19 damages for neglecting or refusing to serve any civil process unless
20 his or her legal fees are first tendered him or her.

21 **Sec. 4054.** RCW 36.28.050 and 1963 c 4 s 36.28.050 are each amended
22 to read as follows:

23 If any property levied upon by virtue of any writ of attachment or
24 execution or other order issued to the sheriff out of any court in this
25 state is claimed by any person other than the defendant, and such
26 person or his or her agent or attorney makes affidavit of his or her
27 title thereto or his or her right to possession thereof, stating the
28 value thereof and the basis of such right or title, the sheriff may
29 release such levy, unless the plaintiff on demand indemnifies the
30 sheriff against such claim by an undertaking executed by a sufficient
31 surety.

32 No claim to such property by any person other than the defendant
33 shall be valid against the sheriff, unless the supporting affidavit is
34 made. Notwithstanding receipt of a proper claim the sheriff shall
35 retain such property under levy a reasonable time to demand such
36 indemnity.

1 Any sheriff, or other levying officer, may require an indemnifying
2 bond of the plaintiff in all cases where he or she has to take
3 possession of personal property.

4 **Sec. 4055.** RCW 36.28.090 and 1963 c 4 s 36.28.090 are each amended
5 to read as follows:

6 When there is no sheriff of a county, or he or she is disqualified
7 from any cause from discharging any particular duty, it shall be lawful
8 for the officer or person commanding or desiring the discharge of that
9 duty to appoint some suitable person, a citizen of the county, to
10 execute the same: PROVIDED, That final process shall in no case be
11 executed by any person other than the legally authorized officer; or in
12 case he or she is disqualified, some suitable person appointed by the
13 court, or judge thereof, out of which the process issues, who shall
14 make such appointment in writing; and before such appointment shall
15 take effect, the person appointed shall give security to the party
16 interested for the faithful performance of his or her duties, which
17 bond of suretyship shall be in writing, approved by the court or judge
18 appointing him or her, and be placed on file with the papers in the
19 case.

20 **Sec. 4056.** RCW 36.28.130 and 1963 c 4 s 36.28.130 are each amended
21 to read as follows:

22 In all cases where any sheriff, constable or coroner has executed
23 any writ or other process delivered to him or her by his or her
24 predecessor, or has completed any business commenced by his or her
25 predecessor under any writ or process, and has completed any other
26 business commenced by his or her predecessor, and in all cases where
27 any sheriff, constable or coroner has executed any writ or other
28 process, or completed any business connected with his or her office
29 after the expiration of his or her term of office, which writ or
30 process he or she had commenced to execute, or which business he or she
31 had commenced to perform, prior to the expiration of his or her term of
32 office, such action shall be valid and effectual for all purposes.

33 **Sec. 4057.** RCW 36.28.150 and 1963 c 4 s 36.28.150 are each amended
34 to read as follows:

35 Whenever any sheriff neglects to make due return of any writ or

1 other process delivered to him or her to be executed, or is guilty of
2 any default or misconduct in relation thereto, he or she shall be
3 liable to fine or attachment, or both, at the discretion of the court,
4 subject to appeal, such fine, however, not to exceed two hundred
5 dollars; and also to an action for damages to the party aggrieved.

6 **Sec. 4058.** RCW 36.28.160 and 1963 c 4 s 36.28.160 are each amended
7 to read as follows:

8 The sheriff must keep his or her office at the county seat of the
9 county of which he or she is sheriff.

10 **Sec. 4059.** RCW 36.28.170 and 1963 c 50 s 1 are each amended to
11 read as follows:

12 The executive secretary of the Washington state association of
13 elected county officials, upon written approval of a majority of the
14 sheriffs in the state, shall file with the secretary of state a
15 description of a standard uniform which may be withdrawn or modified by
16 re-filing in the same manner as originally filed. A uniform of the
17 description so filed shall thereafter be reserved exclusively for the
18 use of sheriffs and their deputies: PROVIDED, That the filing of a
19 standard uniform description shall not make mandatory the adoption of
20 said uniform by any county sheriff or his or her deputies.

21 **Sec. 4060.** RCW 36.28.180 and 1979 c 132 s 1 are each amended to
22 read as follows:

23 A county may from available funds provide for an allowance for
24 clothing and other incidentals necessary to the performance of official
25 duties for the sheriff and his or her deputies.

26 **Sec. 4061.** RCW 36.29.025 and 1963 c 4 s 36.29.025 are each amended
27 to read as follows:

28 The county treasurer in each of the organized counties of the state
29 of Washington, shall be by his or her county provided with a seal of
30 office for the authentication of all tax deeds, papers, writing and
31 documents required by law to be certified or authenticated by him or
32 her. Such seal shall bear the device of crosskeys and the words:
33 Official Seal Treasurer County, Washington; and an imprint

1 of such seal, together with the certificate of the county treasurer
2 that such seal has been regularly adopted, shall be filed in the office
3 of the county auditor of such county.

4 **Sec. 4062.** RCW 36.29.130 and 1963 c 4 s 36.29.130 are each amended
5 to read as follows:

6 The county treasurer, upon receipt of the tax roll, shall proceed
7 to collect and receipt for the municipal taxes extended thereon at the
8 same time and in the same manner as he or she proceeds in the
9 collection of other taxes on such roll.

10 **Sec. 4063.** RCW 36.32.050 and 1963 c 4 s 36.32.050 are each amended
11 to read as follows:

12 County commissioners shall be elected by the qualified voters of
13 the county and the person receiving the highest number of votes for the
14 office of commissioner for the district in which he or she resides
15 shall be declared duly elected from that district.

16 **Sec. 4064.** RCW 36.32.060 and 1963 c 4 s 36.32.060 are each amended
17 to read as follows:

18 The bond of each county commissioner shall be payable to the
19 county, and it shall be conditioned that the commissioner shall well
20 and faithfully discharge the duties of his or her office, and not
21 approve, audit, or order paid any illegal, unwarranted, or unjust claim
22 against the county for personal services.

23 **Sec. 4065.** RCW 36.32.100 and 1963 c 4 s 36.32.100 are each amended
24 to read as follows:

25 The board of county commissioners at their first session after the
26 general election shall elect one of its number to preside at its
27 meetings. He or she shall sign all documents requiring the signature
28 of the board, and his or her signature as (~~chairman~~) chair of the
29 board shall be as legal and binding as if all members had affixed their
30 names. In case the (~~chairman~~) chair is absent at any meeting of the
31 board, all documents requiring the signature of the board shall be
32 signed by both members present.

1 **Sec. 4066.** RCW 36.32.135 and 1963 c 4 s 36.32.135 are each amended
2 to read as follows:

3 The county commissioners of each county shall have and use a seal
4 for the purpose of sealing their proceedings, and copies of the same
5 when signed and sealed by the said county commissioners, and attested
6 by their clerk, shall be admitted as evidence of such proceedings in
7 the trial of any cause in any court in this state; and until such seal
8 shall be provided, the private seal of the (~~chairman~~) chair of such
9 board of county commissioners shall be adopted as a seal.

10 **Sec. 4067.** RCW 36.32.310 and 1963 c 4 s 36.32.310 are each amended
11 to read as follows:

12 Whenever a member of the board of county commissioners of any
13 county has a claim for compensation for per diem and expenses for
14 attendance upon any special session of the board or a claim for
15 compensation for extra services or expenses incurred as such
16 commissioners, including services performed as road commissioner, the
17 claim shall be verified by him or her and after being approved by a
18 majority of the board of county commissioners of the county shall be
19 filed with the clerk of the superior court and be approved by a judge
20 of the superior court of such county or any superior court judge
21 holding court in such county. The judge may make such investigation as
22 he or she deems necessary to determine the correctness of the claim and
23 may, after such investigation, approve or reject any part of such
24 claim. If the judge so approve the claim or any part thereof the same
25 shall be certified by the clerk under the seal of his or her office and
26 be returned to the county auditor who shall draw a warrant therefor.
27 The court shall not be required oftener than once in each month to pass
28 upon such claims and it may fix a time in each month by general order
29 filed with the clerk of the board of county commissioners on or before
30 which such claims must be filed with the clerk of the court.

31 **Sec. 4068.** RCW 36.32.330 and 1963 c 4 s 36.32.330 are each amended
32 to read as follows:

33 Any person may appeal to the superior court from any decision or
34 order of the board of county commissioners. Such appeal shall be taken
35 within twenty days after the decision or order, and the appellant shall
36 within that time serve notice of appeal on the county commissioners.

1 The notice shall be in writing and shall be delivered to at least one
2 of the county commissioners personally, or left with the county
3 auditor. The appellant shall, within ten days after service of the
4 notice of appeal give a bond to the county with one or more sureties,
5 to be approved by the county auditor, conditioned for the payment of
6 all costs which shall be adjudged against him or her on such appeal in
7 the superior court. The practice regulating appeals from and writs of
8 certiorari to justice's courts shall, insofar as applicable, govern in
9 matters of appeal from a decision or order of the board of county
10 commissioners.

11 Nothing herein contained shall be construed to prevent a party
12 having a claim against any county in this state from enforcing the
13 collection thereof by civil action in any court of competent
14 jurisdiction after the same has been presented to and filed as provided
15 by law and disallowed in whole or in part by the board of county
16 commissioners of the proper county. Such action must, however, be
17 commenced within the time limitation provided in RCW 36.45.030.

18 **Sec. 4069.** RCW 36.33.070 and 1963 c 4 s 36.33.070 are each amended
19 to read as follows:

20 Whenever the county treasurer deems it expedient and for the best
21 interests of the county he or she may invest any moneys in the county
22 current expense fund in outstanding warrants on the county tax refund
23 fund in the following manner: When he or she has determined the amount
24 of moneys in the county current expense fund available for investment,
25 he or she shall call, in the order of their issuance, a sufficient
26 number of warrants drawn on the county tax refund fund as nearly as
27 possible equaling in amount but not exceeding the moneys to be
28 invested, and upon presentation and surrender thereof he or she shall
29 pay to the holders of such warrants the face amount thereof and the
30 accrued interest thereon out of moneys in the county current expense
31 fund.

32 **Sec. 4070.** RCW 36.33.080 and 1963 c 4 s 36.33.080 are each amended
33 to read as follows:

34 Upon receipt of any such warrant on the tax refund fund the county
35 treasurer shall enter the principal amount thereof, and accrued
36 interest thereon, as a suspense credit upon his or her records, and

1 shall hold the warrant until it with interest, if any, is paid in due
2 course out of the county tax refund fund, and upon such payment, the
3 amount thereof shall be restored to the county current expense fund.
4 The refund warrants held by the county treasurer shall continue to draw
5 interest until the payment thereof out of the county tax refund fund,
6 which interest accruing subsequent to acquisition of the warrants by
7 the county treasurer shall be paid into the county current expense
8 fund.

9 **Sec. 4071.** RCW 36.33.190 and 1963 c 4 s 36.33.190 are each amended
10 to read as follows:

11 The county treasurer shall cash any United States bonds owned by
12 the county as they mature or, with the approval of the state finance
13 committee and of the county finance committee, he or she may at any
14 time sell them. In either event he or she must return the proceeds
15 into the treasury.

16 **Sec. 4072.** RCW 36.34.070 and 1963 c 4 s 36.34.070 are each amended
17 to read as follows:

18 The board may advertise and sell used highway or other equipment
19 belonging to the county or to any taxing division thereof subject to
20 its jurisdiction in the manner prescribed for the sale of county
21 property, or it may trade it in on the purchase of new equipment. If
22 the board elects to trade in the used equipment it shall include in its
23 call for bids on the new equipment a notice that the county has for
24 sale or trade-in used equipment of a specified type and description
25 which will be sold or traded in on the same day and hour that the bids
26 on the new equipment are opened. Any bidder on the new equipment may
27 include in his or her offer to sell, an offer to accept the used
28 equipment as a part payment of the new equipment purchase price,
29 setting forth the amount of such allowance.

30 In determining the lowest and best bid on the new equipment the
31 board shall consider the net cost to the county of such new equipment
32 after trade-in allowances have been deducted. The board may accept the
33 new equipment bid of any bidder without trading in the used equipment
34 but may not require any such bidder to purchase the used equipment
35 without awarding the bidder the new equipment contract. Nothing in
36 this section shall bar anyone from making an offer for the purchase of

1 the used equipment independent of a bid on the new equipment and the
2 board shall consider such offers in relation to the trade-in allowances
3 offered to determine the net best sale and purchase combination for the
4 county.

5 **Sec. 4073.** RCW 36.34.150 and 1963 c 4 s 36.34.150 are each amended
6 to read as follows:

7 Any person desiring to lease county lands shall make application in
8 writing to the board of county commissioners. Each application shall
9 be accompanied by a deposit of not less than ten dollars or such other
10 sum as the county commissioners may require, not to exceed twenty-five
11 dollars. The deposit shall be in the form of a certified check or
12 certificate of deposit on some bank in the county, or may be paid in
13 cash. In case the lands applied for are leased at the time they are
14 offered, the deposit shall be returned to the applicant, but if the
15 party making application fails or refuses to comply with the terms of
16 his or her application and to execute the lease, the deposit shall be
17 forfeited to the county, and the board of county commissioners shall
18 pay the deposit over to the county treasurer, who shall place it to the
19 credit of the current expense fund.

20 **Sec. 4074.** RCW 36.34.200 and 1963 c 4 s 36.34.200 are each amended
21 to read as follows:

22 Upon the decision of the board of county commissioners to lease the
23 lands applied for, a lease shall be executed in duplicate to the lessee
24 by the ((~~chairman~~)) chair of the board and the county auditor, attested
25 by his or her seal of office, which lease shall also be signed by the
26 lessee. The lease shall refer to the order of the board directing the
27 lease, with a description of the lands conveyed, the periods of
28 payment, and the amounts to be paid for each period.

29 **Sec. 4075.** RCW 36.35.180 and 1998 c 106 s 17 are each amended to
30 read as follows:

31 Upon filing a copy of the summons and notice in the office of the
32 county clerk, service thereof as against every interest in and claim
33 against any and every part of the property described in such summons
34 and notice, and every person, firm, or corporation, except one who is
35 in the actual, open and notorious possession of any of the properties,

1 shall be had by publication in the official county newspaper for six
2 consecutive weeks; and no affidavit for publication of such summons and
3 notice shall be required. In case special assessments imposed by a
4 city or town against any of the real property described in the summons
5 and notice remain outstanding, a copy of the same shall be served on
6 the treasurer of the city or town within which such real property is
7 situated within five days after such summons and notice is filed.

8 The summons and notice in such action shall contain the title of
9 the court; specify in general terms the years for which the taxes were
10 levied and the amount of the taxes and the costs for which each tract
11 of land was sold; give the legal description of each tract of land
12 involved, and the tax record owner thereof during the years in which
13 the taxes for which the property was sold were levied; state that the
14 purpose of the action is to foreclose all adverse claims of every
15 nature in and to the property described, and to have the title of
16 existing liens and claims of every nature against the described real
17 property, except that of the county, forever barred.

18 The summons and notice shall also summon all persons, firms and
19 corporations claiming any right, title and interest in and to the
20 described real property to appear within sixty days after the date of
21 the first publication, specifying the day and year, and state in
22 writing what right, title and interest they have or claim to have in
23 and to the property described, and file the same with the clerk of the
24 court above named; and shall notify them that in case of their failure
25 so to do, judgment will be rendered determining that the title to the
26 real property is in the county free from all existing adverse
27 interests, rights or claims whatsoever: PROVIDED, That in case any of
28 the lands involved is in the actual, open and notorious possession of
29 anyone at the time the summons and notice is filed, as herein provided,
30 a copy of the same modified as herein specified shall be served
31 personally upon such person in the same manner as summons is served in
32 civil actions generally. The summons shall be substantially in the
33 form above outlined, except that in lieu of the statement relative to
34 the date and day of publication it shall require the person served to
35 appear within twenty days after the day of service, exclusive of the
36 date of service, and that the day of service need not be specified
37 therein, and except further that the recitals regarding the amount of

1 the taxes and costs and the years the same were levied, the legal
2 description of the land and the tax record owner thereof may be omitted
3 except as to the land occupied by the persons served.

4 Every summons and notice provided for in RCW 36.35.160 through
5 36.35.270 shall be subscribed by the prosecuting attorney of the
6 county, or by any successor or assign of the county or his or her
7 attorney, as the case may be, followed by the post office address of
8 the successor or assign.

9 **Sec. 4076.** RCW 36.35.190 and 1961 c 15 s 84.64.360 are each
10 amended to read as follows:

11 Any person, firm or corporation who or which may have been entitled
12 to redeem the property involved prior to the issuance of the
13 treasurer's deed to the county, and his or her or its successor in
14 interest, shall have the right, at any time after the commencement of,
15 and prior to the judgment in the action authorized herein, to redeem
16 such property by paying to the county treasurer the amount of the taxes
17 for which the property was sold to the county, and the amount of any
18 other general taxes which may have accrued prior to the issuance of
19 said treasurer's deed, together with interest on all such taxes from
20 the date of delinquency thereof, respectively, at the rate of twelve
21 percent per annum, and by paying for the benefit of the assessment
22 district concerned the amount of principal, penalty and interest of all
23 special assessments, if any, which shall have been levied against such
24 property and by paying such proportional part of the costs of the tax
25 foreclosure proceedings and of the action herein authorized as the
26 county treasurer shall determine.

27 Upon redemption of any property before judgment as herein provided,
28 the county treasurer shall issue to the redemptioner a certificate
29 specifying the amount of the taxes, special assessments, penalty,
30 interest and costs charged describing the land and stating that the
31 taxes, special assessments, penalty, interest and costs specified have
32 been fully paid, and the lien thereof discharged. Such certificate
33 shall clear the land described therein from any claim of the county
34 based on the treasurer's deed previously issued in the tax foreclosure
35 proceedings.

1 **Sec. 4077.** RCW 36.35.220 and 1961 c 15 s 84.64.390 are each
2 amended to read as follows:

3 Any person filing a statement in such action shall pay the clerk of
4 the court an appearance fee in the amount required by the county for
5 appearances in civil actions, and shall be required to tender the
6 amount of all taxes, interest and costs charged against the real
7 property to which he or she lays claim, and no further costs in such
8 action shall be required or recovered.

9 **Sec. 4078.** RCW 36.35.230 and 1988 c 202 s 71 are each amended to
10 read as follows:

11 Any person aggrieved by the judgment rendered in such action may
12 seek appellate review of the part of said judgment objectionable to him
13 or her in the manner and within the time prescribed for appeals in RCW
14 84.64.120.

15 **Sec. 4079.** RCW 36.35.240 and 1961 c 15 s 84.64.410 are each
16 amended to read as follows:

17 The judgment rendered in such action, unless appealed from within
18 the time prescribed herein and upon final judgment on appeal, shall be
19 conclusive, without the right of redemption upon and against every
20 person who may or could claim any lien or any right, title or interest
21 in or to any of the properties involved in said action, including
22 minors, insane persons, those convicted of crime, as well as those free
23 from disability, and against those who may have at any time attempted
24 to pay any tax on any of the properties, and against those in actual
25 open and notorious possession of any of said properties.

26 Such judgment shall be conclusive as to those who appeal therefrom,
27 except as to the particular property to which such appellant laid claim
28 in the action and concerning which he or she appealed, and shall be
29 conclusive as to those in possession of any property and who were not
30 served except as to the property which such person is in the actual,
31 open and notorious possession of, and in any case where it is asserted
32 that the judgment was not conclusive because of such possession, the
33 burden of showing such actual, open and notorious possession shall be
34 on the one asserting such possession.

1 **Sec. 4080.** RCW 36.38.020 and 1979 c 151 s 38 are each amended to
2 read as follows:

3 In addition to the provisions levying and fixing the amount of tax,
4 the ordinance may contain any or all of the following provisions:

5 (1) A provision defining the words and terms used therein;

6 (2) A provision requiring the price (exclusive of the tax to be
7 paid by the person paying for admission) at which every admission
8 ticket or card is sold to be conspicuously and indelibly printed or
9 written on the face or back of that part of the ticket which is to be
10 taken up by the management of the place for which an admission charge
11 is exacted, and making the violation of such provision a misdemeanor
12 punishable by fine of not exceeding one hundred dollars;

13 (3) Provisions fixing reasonable exemptions from such tax;

14 (4) Provisions allowing as an offset against the tax, the amount of
15 like taxes levied, fixed, and collected within their jurisdiction by
16 incorporated cities and towns in the county;

17 (5) A provision requiring persons receiving payments for admissions
18 taxed under said ordinance to collect the amount of the tax from the
19 persons making such payments;

20 (6) A provision to the effect that the tax imposed by said
21 ordinance shall be deemed to be held in trust by the person required to
22 collect the same until paid to the county treasurer, and making it a
23 misdemeanor for any person receiving payment of the tax and
24 appropriating or converting the same to his or her own use or to any
25 use other than the payment of the tax as provided in said ordinance to
26 the extent that the amount of such tax is not available for payment on
27 the due date for filing returns as provided in said ordinance;

28 (7) A provision that in case any person required by the ordinance
29 to collect the tax imposed thereby fails to collect the same, or having
30 collected the tax fails to pay the same to the county treasurer in the
31 manner prescribed by the ordinance, whether such failure is the result
32 of such person's own acts or the result of acts or conditions beyond
33 such person's control, such person shall nevertheless be personally
34 liable to the county for the amount of the tax;

35 (8) Provisions fixing the time when the taxes imposed by the
36 ordinance shall be due and payable to the county treasurer; requiring
37 persons receiving payments for admissions to make periodic returns to
38 the county treasurer on such forms and setting forth such information

1 as the county treasurer may specify; requiring such return to show the
2 amount of tax upon admissions for which such person is liable for
3 specified preceding periods, and requiring such person to sign and
4 transmit the same to the county treasurer together with a remittance
5 for the amount;

6 (9) A provision requiring taxpayers to file with the county
7 treasurer verified annual returns setting forth such additional
8 information as he or she may deem necessary to determine tax liability
9 correctly;

10 (10) A provision to the effect that whenever a certificate of
11 registration, if required by the ordinance, is obtained for operating
12 or conducting temporary places of amusement by persons who are not the
13 owners, lessees, or custodians of the building, lot or place where the
14 amusement is to be conducted, or whenever the business is permitted to
15 be conducted without the procurement of a certificate, the tax imposed
16 shall be returned and paid as provided in the ordinance by such owner,
17 lessee, or custodian, unless paid by the person conducting the place of
18 amusement;

19 (11) A provision requiring the applicant for a temporary
20 certificate of registration, if required by the ordinance, to furnish
21 with the application therefor, the name and address of the owner,
22 lessee, or custodian of the premises upon which the amusement is to be
23 conducted, and requiring the county treasurer to notify such owner,
24 lessee, or custodian of the issuance of any such temporary certificate,
25 and of the joint liability for such tax;

26 (12) A provision empowering the county treasurer to declare the tax
27 upon temporary or itinerant places of amusement to be immediately due
28 and payable and to collect the same, when he or she believes there is
29 a possibility that the tax imposed under the ordinance will not be
30 otherwise paid;

31 (13) Any or all of the applicable general administrative provisions
32 contained in RCW 82.32.010 through 82.32.340 and 82.32.380, and the
33 amendments thereto, except that unless otherwise indicated by the
34 context of said sections, in all provisions so incorporated in such
35 ordinance (a) the term "county treasurer" (of the county enacting said
36 ordinance) shall be substituted for each reference made in said
37 sections to the "department," the "department of revenue," "any
38 employee of the department," or "director of the department of

1 revenue"; (b) the name of the county enacting such ordinance shall be
2 substituted for each reference made in said sections to the "state" or
3 to the "state of Washington"; (c) the term "this ordinance" shall be
4 substituted for each reference made in said sections to "this chapter";
5 (d) the name of the county enacting said ordinance shall be substituted
6 for each reference made in said sections to "Thurston county"; and (e)
7 the term "board of county commissioners" shall be substituted for each
8 reference made in said sections to the "director of financial
9 management."

10 **Sec. 4081.** RCW 36.40.010 and 1963 c 4 s 36.40.010 are each amended
11 to read as follows:

12 On or before the second Monday in July of each year the county
13 auditor shall notify in writing each county official, elective or
14 appointive, in charge of an office, department, service, or institution
15 of the county, to file with him or her on or before the second Monday
16 in August thereafter detailed and itemized estimates, both of the
17 probable revenues from sources other than taxation, and of all
18 expenditures required by such office, department, service, or
19 institution for the ensuing fiscal year.

20 **Sec. 4082.** RCW 36.40.130 and 1963 c 4 s 36.40.130 are each amended
21 to read as follows:

22 Expenditures made, liabilities incurred, or warrants issued in
23 excess of any of the detailed budget appropriations or as revised by
24 transfer as in RCW 36.40.100, 36.40.110 or 36.40.120 provided shall not
25 be a liability of the county, but the official making or incurring such
26 expenditure or issuing such warrant shall be liable therefor personally
27 and upon his or her official bond. The county auditor shall issue no
28 warrant and the county commissioners shall approve no claim for any
29 expenditure in excess of the detailed budget appropriations or as
30 revised under the provisions of RCW 36.40.100 through 36.40.130, except
31 upon an order of a court of competent jurisdiction, or for emergencies
32 as hereinafter provided. Any county commissioner, or county auditor,
33 approving any claim or issuing any warrant in excess of any such budget
34 appropriation except as herein provided shall forfeit to the county
35 fourfold the amount of such claim or warrant which shall be recovered

1 by action against such county commissioner or auditor, or all of them,
2 and the several sureties on their official bonds.

3 **Sec. 4083.** RCW 36.40.210 and 1963 c 4 s 36.40.210 are each amended
4 to read as follows:

5 On or before the twenty-fifth day of each month the auditor shall
6 submit to the board of county commissioners a report showing the
7 expenditures and liabilities against each separate budget appropriation
8 incurred during the preceding calendar month and like information for
9 the whole of the current fiscal year to the first day of said month,
10 together with the unexpended and unencumbered balance of each
11 appropriation. He or she shall also set forth the receipts from taxes
12 and from sources other than taxation for the same periods.

13 **Sec. 4084.** RCW 36.48.040 and 1963 c 4 s 36.48.040 are each amended
14 to read as follows:

15 The county treasurer shall deposit with any depository, which has
16 fully complied with all requirements of RCW 36.48.010 through
17 36.48.060, any county money in his or her hands or under his or her
18 official control, and for the purpose of making the quarterly
19 settlement and counting funds in the hands of the treasurer any sums so
20 on deposit shall be deemed to be in the county treasury.

21 **Sec. 4085.** RCW 36.48.050 and 1963 c 4 s 36.48.050 are each amended
22 to read as follows:

23 The provisions of RCW 36.48.010 through 36.48.060 shall in no way
24 relieve or release the county treasurer from any liability upon his or
25 her official bond as such treasurer, or any surety upon such bond, and
26 shall in no way affect the duty of the several county treasurers to
27 give bond as required by law.

28 **Sec. 4086.** RCW 36.53.030 and 1963 c 4 s 36.53.030 are each amended
29 to read as follows:

30 No license shall be granted to any person other than the owner of
31 the land embracing or adjoining the lake or stream where the ferry is
32 proposed to be kept, unless the owner neglects to apply therefor.
33 Whenever application for a license is made by any person other than the
34 owner, the board of county commissioners shall not grant it, unless

1 proof is made that the applicant caused notice, in writing, of his or
2 her intention to make such application to be given to such owner, if
3 residing in the county, at least ten days before the session of the
4 board of county commissioners at which application is made.

5 **Sec. 4087.** RCW 36.53.040 and 1963 c 4 s 36.53.040 are each amended
6 to read as follows:

7 Every person intending to apply for a license to keep a ferry at
8 any place shall give notice of his or her intention by posting up at
9 least three notices in public places in the neighborhood where the
10 ferry is proposed to be kept, twenty days prior to any regular session
11 of the board of county commissioners at which the application is to be
12 made.

13 **Sec. 4088.** RCW 36.53.060 and 1963 c 4 s 36.53.060 are each amended
14 to read as follows:

15 Every person obtaining a license to keep a ferry shall provide and
16 keep in good and complete repair the necessary boat or boats for the
17 safe conveyance of all persons and property, and furnish such boats at
18 all times with suitable oars, setting poles, and other implements
19 necessary for the service thereof, and shall keep a sufficient number
20 of discreet and skillful men or women ferry workers to attend and
21 manage the same; and he or she shall also at all times keep the place
22 of embarking and landing in good order and repair, by cutting away the
23 bank of the stream so that persons and property may be embarked and
24 landed without danger or unnecessary delay.

25 **Sec. 4089.** RCW 36.53.100 and 1963 c 4 s 36.53.100 are each amended
26 to read as follows:

27 Every person licensed to keep a ferry shall post up, in some
28 conspicuous place near his or her ferry landing a list of the rates of
29 ferriage which are chargeable by law at such ferry, which list of rates
30 shall at all times be plain and legible and posted up so near the place
31 where persons pass across the ferry that it may be easily read. If the
32 keeper neglects or refuses to post and keep up such list, it shall not
33 be lawful to charge or take any ferriage or compensation at the ferry,
34 during the time of such delinquency.

1 **Sec. 4090.** RCW 36.53.120 and 1963 c 4 s 36.53.120 are each amended
2 to read as follows:

3 Every person licensed to keep a ferry under the provisions of RCW
4 36.53.010 through 36.53.140 shall have the exclusive privilege of
5 transporting all persons and property over and across the stream where
6 the ferry is established, and shall be entitled to all the fare arising
7 by law therefrom: PROVIDED, That any person may cross such stream at
8 the ferry location in his or her own boat, or take in and carry over
9 his or her neighbor, when done without fee or charge, and not with
10 intent to injure the person licensed to keep a ferry.

11 **Sec. 4091.** RCW 36.53.130 and 1963 c 4 s 36.53.130 are each amended
12 to read as follows:

13 If any person licensed to keep a ferry fails to pay the taxes
14 assessed thereon when due, or to provide and keep in good and complete
15 repair the necessary boat or boats, with the oars, setting poles, and
16 other necessary implements for the service thereof, or to employ a
17 sufficient number of skilled and discreet (~~ferrymen~~) ferry workers
18 within three months from the time license is granted, or if the ferry
19 is not at any time kept in good condition and repair, or if it is
20 abandoned, disused, or unfrequented for the space of six months at any
21 one time, the board of county commissioners, on complaint being made in
22 writing, may summon the person licensed to keep such ferry, to show
23 cause why his or her license should not be revoked. The board may
24 revoke or not according to the testimony adduced and the laws of this
25 state, the decision subject to review by the superior court: PROVIDED,
26 That if disuse resulted because the stream is fordable at certain
27 seasons of the year, or because travel by that route is subject to
28 periodical fluctuations, it shall not work a forfeiture within the
29 meaning of this section.

30 **Sec. 4092.** RCW 36.54.040 and 1963 c 4 s 36.54.040 are each amended
31 to read as follows:

32 The boards of county commissioners of the two counties,
33 participating in a joint ferry, shall meet in joint session at the
34 county seat of one of the counties interested, and shall elect one of
35 their members as (~~chairman~~) chair of the joint board of
36 commissioners, who shall act as such (~~chairman~~) chair during the

1 remainder of his or her term of office, and, at the expiration of his
2 or her term of office, the two boards of county commissioners shall
3 meet and elect a new ((~~chairman~~)) chair, who shall act as such
4 ((~~chairman~~)) chair during his or her term of office as county
5 commissioner, and they shall continue to elect a ((~~chairman~~)) chair in
6 like manner thereafter. The county auditors of the counties shall be
7 clerks of such joint commission, and the county auditor of the county
8 where each meeting is held shall act as clerk of the commission at all
9 meetings held in his or her county. Each county auditor, as soon as
10 the joint commission is organized, shall procure a record book and
11 enter therein a complete record of the proceedings of the commission,
12 and immediately after each adjournment the county auditor of the county
13 in which the meeting is held shall forward a complete copy of the
14 minutes of the proceedings of the commission to the auditor of the
15 other county to be entered by him or her in his or her record. Each
16 county shall keep a complete record of the proceedings of the
17 commission.

18 **Sec. 4093.** RCW 36.54.060 and 1963 c 4 s 36.54.060 are each amended
19 to read as follows:

20 All claims and accounts for the construction, operation and
21 maintenance of a joint county ferry shall be presented to and audited
22 by the joint commission: PROVIDED, That items of expense connected
23 with the operation of such ferry which do not exceed the sum of thirty
24 dollars may be presented to the ((~~chairman~~)) chair of the joint
25 commission and allowed by him or her and when allowed shall be a joint
26 charge against the road fund of each of the counties operating such
27 ferry.

28 **Sec. 4094.** RCW 36.55.050 and 1963 c 4 s 36.55.050 are each amended
29 to read as follows:

30 The hearing may be adjourned from time to time by the order of the
31 board of county commissioners. If, after the hearing, the board deems
32 it to be for the public interest to grant the franchise in whole or in
33 part, it may make and enter a resolution to that effect and may require
34 the applicant to place his or her utility and its appurtenances in such
35 location on or along the county road as the board finds will cause the
36 least interference with other uses of the road.

1 **Sec. 4095.** RCW 36.57.050 and 1974 ex.s. c 167 s 5 are each amended
2 to read as follows:

3 The authority shall elect a ((~~chairman~~)) chair, and appoint a
4 general manager who shall be experienced in administration, and who
5 shall act as executive secretary to, and administrative officer for the
6 authority. He or she shall also be empowered to employ such technical
7 and other personnel as approved by the authority. The general manager
8 shall be paid such salary and allowed such expenses as shall be
9 determined by the authority. The general manager shall hold office at
10 the pleasure of the authority, and shall not be removed until after
11 notice is given him or her, and an opportunity for a hearing before the
12 authority as to the reason for his or her removal.

13 **Sec. 4096.** RCW 36.57.090 and 1974 ex.s. c 167 s 9 are each amended
14 to read as follows:

15 A county transportation authority may acquire any existing
16 transportation system by conveyance, sale, or lease. In any purchase
17 from a county or city, the authority shall receive credit from the
18 county or city for any federal assistance and state matching assistance
19 used by the county or city in acquiring any portion of such system.
20 The authority shall assume and observe all existing labor contracts
21 relating to such system and, to the extent necessary for operation of
22 facilities, all of the employees of such acquired transportation system
23 whose duties are necessary to operate efficiently the facilities
24 acquired shall be appointed to comparable positions to those which they
25 held at the time of such transfer, and no employee or retired or
26 pensioned employee of such systems shall be placed in any worse
27 position with respect to pension seniority, wages, sick leave, vacation
28 or other benefits that he or she enjoyed as an employee of such system
29 prior to such acquisition. The authority shall engage in collective
30 bargaining with the duly appointed representatives of any employee
31 labor organization having existing contracts with the acquired
32 transportation system and may enter into labor contracts with such
33 employee labor organization.

34 **Sec. 4097.** RCW 36.57A.050 and 2007 c 469 s 14 are each amended to
35 read as follows:

36 Within sixty days of the establishment of the boundaries of the

1 public transportation benefit area the members of the county
2 legislative authority and the elected representative of each city
3 within the area shall provide for the selection of the governing body
4 of such area, the public transportation benefit area authority, which
5 shall consist of elected officials selected by and serving at the
6 pleasure of the governing bodies of component cities within the area
7 and the county legislative authority of each county within the area.
8 If at the time a public transportation benefit area authority assumes
9 the public transportation functions previously provided under the
10 Interlocal Cooperation Act (chapter 39.34 RCW) there are citizen
11 positions on the governing board of the transit system, those positions
12 may be retained as positions on the governing board of the public
13 transportation benefit area authority.

14 Within such sixty-day period, any city may by resolution of its
15 legislative body withdraw from participation in the public
16 transportation benefit area. The county legislative authority and each
17 city remaining in the public transportation benefit area may disapprove
18 and prevent the establishment of any governing body of a public
19 transportation benefit area if the composition thereof does not meet
20 its approval.

21 In no case shall the governing body of a single county public
22 transportation benefit area be greater than nine members and in the
23 case of a multicounty area, fifteen members. Those cities within the
24 transportation benefit area and excluded from direct membership on the
25 authority are hereby authorized to designate a member of the authority
26 who shall be entitled to represent the interests of such city which is
27 excluded from direct membership on the authority. The legislative body
28 of such city shall notify the authority as to the determination of its
29 authorized representative on the authority.

30 Each member of the authority is eligible to be reimbursed for
31 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to
32 receive compensation, as set by the authority, in an amount not to
33 exceed forty-four dollars for each day during which the member attends
34 official meetings of the authority or performs prescribed duties
35 approved by the ((~~chairman~~)) chair of the authority. Except that the
36 authority may, by resolution, increase the payment of per diem
37 compensation to each member from forty-four dollars up to ninety
38 dollars per day or portion of a day for actual attendance at board

1 meetings or for performance of other official services or duties on
2 behalf of the authority. In no event may a member be compensated in
3 any year for more than seventy-five days, except the ((~~chairman~~)) chair
4 who may be paid compensation for not more than one hundred days:
5 PROVIDED, That compensation shall not be paid to an elected official or
6 employee of federal, state, or local government who is receiving
7 regular full-time compensation from such government for attending
8 meetings and performing prescribed duties of the authority.

9 The dollar thresholds established in this section must be adjusted
10 for inflation by the office of financial management every five years,
11 beginning July 1, 2008, based upon changes in the consumer price index
12 during that time period. "Consumer price index" means, for any
13 calendar year, that year's annual average consumer price index, for
14 Washington state, for wage earners and clerical workers, all items,
15 compiled by the bureau of labor and statistics, United States
16 department of labor. If the bureau of labor and statistics develops
17 more than one consumer price index for areas within the state, the
18 index covering the greatest number of people, covering areas
19 exclusively within the boundaries of the state, and including all items
20 shall be used for the adjustments for inflation in this section. The
21 office of financial management must calculate the new dollar threshold
22 and transmit it to the office of the code reviser for publication in
23 the Washington State Register at least one month before the new dollar
24 threshold is to take effect.

25 A person holding office as commissioner for two or more special
26 purpose districts shall receive only that per diem compensation
27 authorized for one of his or her commissioner positions as compensation
28 for attending an official meeting or conducting official services or
29 duties while representing more than one of his or her districts.
30 However, such commissioner may receive additional per diem compensation
31 if approved by resolution of all boards of the affected commissions.

32 **Sec. 4098.** RCW 36.57A.120 and 1975 1st ex.s. c 270 s 22 are each
33 amended to read as follows:

34 If a public transportation benefit area shall acquire any existing
35 transportation system, it shall assume and observe all existing labor
36 contracts relating to such system and, to the extent necessary for
37 operation of facilities, all of the employees of such acquired

1 transportation system whose duties are necessary to operate efficiently
2 the facilities acquired shall be appointed to comparable positions to
3 those which they held at the time of such transfer, and no employee or
4 retired or pensioned employee of such systems shall be placed in any
5 worse position with respect to pension seniority, wages, sick leave,
6 vacation or other benefits that he or she enjoyed as an employee of
7 such system prior to such acquisition. The public transportation
8 benefit area authority shall engage in collective bargaining with the
9 duly appointed representatives of any employee labor organization
10 having existing contracts with the acquired transportation system and
11 may enter into labor contracts with such employee labor organization.

12 **Sec. 4099.** RCW 36.63.255 and 1981 c 136 s 60 are each amended to
13 read as follows:

14 Any person imprisoned in a county jail pending the appeal of his or
15 her conviction of a felony and who has not obtained bail bond pending
16 his or her appeal shall be transferred after thirty days but within
17 forty days from the date judgment was entered against him or her to a
18 state institution for felons designated by the secretary of
19 corrections: PROVIDED, That when good cause is shown, a superior court
20 judge may order the prisoner detained in the county jail beyond said
21 forty days for an additional period not to exceed ten days.

22 **Sec. 4100.** RCW 36.64.090 and 1965 ex.s. c 84 s 2 are each amended
23 to read as follows:

24 The governing bodies of the counties and cities so associated in a
25 conference shall adopt articles of association and bylaws, select a
26 ((~~chairman~~)) chair and such other officers as they may determine, and
27 may employ and discharge such agents and employees as the officers deem
28 convenient to carry out the purposes of the conference.

29 **Sec. 4101.** RCW 36.67.530 and 1983 c 167 s 80 are each amended to
30 read as follows:

31 (1) When revenue bonds are issued for authorized purposes, said
32 bonds shall be either registered as to principal only or as to
33 principal and interest as provided in RCW 39.46.030, or shall be bearer
34 bonds; shall be in such denominations, shall be numbered, shall bear
35 such date, shall be payable at such time or times up to a maximum

1 period of not to exceed thirty years and payable at the office of the
2 county treasurer, and such other places as determined by the county
3 legislative authority of the county; shall bear interest payable and
4 evidenced to maturity on bonds not registered as to interest by coupons
5 attached to said bonds bearing a coupon interest rate or rates as
6 authorized by the county legislative authority; shall be executed by
7 the ((~~chairman~~)) chair of the county legislative authority, and
8 attested by the clerk of the legislative authority, and the seal of
9 such legislative authority shall be affixed to each bond, but not to
10 any coupon; and may have facsimile signatures of the ((~~chairman~~)) chair
11 and the clerk imprinted on each bond and any interest coupons in lieu
12 of original signatures and the facsimile seal imprinted on each bond.

13 (2) Notwithstanding subsection (1) of this section, such bonds may
14 be issued and sold in accordance with chapter 39.46 RCW.

15 **Sec. 4102.** RCW 36.68.060 and 1963 c 4 s 36.68.060 are each amended
16 to read as follows:

17 The county park and recreation board:

18 (1) Shall elect its officers, including a ((~~chairman~~)) chair, vice
19 ((~~chairman~~)) chair and secretary, and such other officers as it may
20 determine it requires.

21 (2) Shall hold regular public meetings at least monthly.

22 (3) Shall adopt rules for transaction of business and shall keep a
23 written record of its meetings, resolutions, transactions, findings and
24 determinations, which record shall be a public record.

25 (4) Shall initiate, direct, and administer county recreational
26 activities, and shall select and employ a county park and recreation
27 superintendent and such other properly qualified employees as it may
28 deem desirable.

29 (5) Shall improve, operate, and maintain parks, playgrounds, and
30 other recreational facilities, together with all structures and
31 equipment useful in connection therewith, and may recommend to the
32 board of county commissioners acquisition of real property.

33 (6) Shall promulgate and enforce reasonable rules and regulations
34 deemed necessary in the operation of parks, playgrounds, and other
35 recreational facilities, and may recommend to the board of county
36 commissioners adoption of any rules or regulations requiring

1 enforcement by legal process which relate to parks, playgrounds, or
2 other recreational facilities.

3 (7) Shall each year submit to the board of county commissioners for
4 approval a proposed budget for the following year in the manner
5 provided by law for the preparation and submission of budgets by
6 elective or appointive county officials.

7 (8) May, subject to the approval of the board of county
8 commissioners, enter into contracts with any other municipal
9 corporation, governmental or private agency for the conduct of park and
10 recreational programs.

11 **Sec. 4103.** RCW 36.69.120 and 1963 c 4 s 36.69.120 are each amended
12 to read as follows:

13 The park and recreation district board of commissioners shall:

14 (1) Elect its officers including a (~~chairman~~) chair, vice
15 (~~chairman~~) chair, secretary, and such other officers as it may
16 determine it requires;

17 (2) Hold regular public meetings at least monthly;

18 (3) Adopt policies governing transaction of board business, keeping
19 of records, resolutions, transactions, findings and determinations,
20 which shall be of public record;

21 (4) Initiate, direct and administer district park and recreation
22 activities, and select and employ such properly qualified employees as
23 it may deem necessary.

24 **Sec. 4104.** RCW 36.69.230 and 1963 c 4 s 36.69.230 are each amended
25 to read as follows:

26 If such local improvement district is initiated by petition, such
27 petition shall set forth the nature and territorial extent of the
28 proposed improvement requested to be ordered and the fact that the
29 signers thereof are the owners (according to the records of the county
30 auditor) of at least fifty-one percent of the area of land within the
31 limits of the local improvement district to be created. Upon the
32 filing of such petition the board of park and recreation commissioners
33 shall determine whether it is sufficient, and the board's determination
34 thereof shall be conclusive upon all persons. No person shall withdraw
35 his or her name from the petition after it has been filed with the
36 board. If the board shall find the petition to be sufficient, it shall

1 proceed to adopt a resolution declaring its intention to order the
2 improvement petitioned for, setting forth the nature and territorial
3 extent of said improvement, designating the number of the proposed
4 local district and describing the boundaries thereof, stating the
5 estimated cost and expense of the improvement and the proportionate
6 amount thereof which will be borne by the property within the proposed
7 local district, and fixing a date, time and place for a public hearing
8 on the formation of the proposed local district.

9 The resolution of intention, whether adopted on the initiative of
10 the board or pursuant to a petition of the property owners, shall be
11 published in at least two consecutive issues of a newspaper of general
12 circulation in the proposed local district, the date of the first
13 publication to be at least fifteen days prior to the date fixed by such
14 resolution for hearing before the board.

15 **Sec. 4105.** RCW 36.69.370 and 1983 c 167 s 86 are each amended to
16 read as follows:

17 (1) When revenue bonds are issued for authorized purposes, said
18 bonds shall be either registered as to principal only or principal and
19 interest as provided in RCW 39.46.030 or shall be bearer bonds; shall
20 be in such denominations, shall be numbered, shall bear such date,
21 shall be payable at such time or times up to a maximum period of not to
22 exceed thirty years and payable as determined by the park and
23 recreation commissioners of the district; shall bear interest payable
24 semiannually; shall be executed by the ((~~chairman~~)) chair of the board
25 of park and recreation commissioners, and attested by the secretary of
26 the board, and the seal of such board shall be affixed to each bond,
27 but not to any coupon; and may have facsimile signatures of the
28 ((~~chairman~~)) chair and the secretary imprinted on any interest coupons
29 in lieu of original signatures.

30 (2) Notwithstanding subsection (1) of this section, such bonds may
31 be issued and sold in accordance with chapter 39.46 RCW.

32 **Sec. 4106.** RCW 36.70.020 and 1963 c 4 s 36.70.020 are each amended
33 to read as follows:

34 The following words or terms as used in this chapter shall have the
35 following meaning unless a different meaning is clearly indicated by
36 the context:

1 (1) "Approval by motion" is a means by which a board, through other
2 than by ordinance, approves and records recognition of a comprehensive
3 plan or amendments thereto.

4 (2) "Board" means the board of county commissioners.

5 (3) "Certification" means the affixing on any map or by adding to
6 any document comprising all or any portion of a comprehensive plan a
7 record of the dates of action thereon by the commission and by the
8 board, together with the signatures of the officer or officers
9 authorized by ordinance to so sign.

10 (4) "Commission" means a county or regional planning commission.

11 (5) "Commissioners" means members of a county or regional planning
12 commission.

13 (6) "Comprehensive plan" means the policies and proposals approved
14 and recommended by the planning agency or initiated by the board and
15 approved by motion by the board (a) as a beginning step in planning for
16 the physical development of the county; (b) as the means for
17 coordinating county programs and services; (c) as a source of reference
18 to aid in developing, correlating, and coordinating official
19 regulations and controls; and (d) as a means for promoting the general
20 welfare. Such plan shall consist of the required elements set forth in
21 RCW 36.70.330 and may also include the optional elements set forth in
22 RCW 36.70.350 which shall serve as a policy guide for the subsequent
23 public and private development and official controls so as to present
24 all proposed developments in a balanced and orderly relationship to
25 existing physical features and governmental functions.

26 (7) "Conditional use" means a use listed among those classified in
27 any given zone but permitted to locate only after review by the board
28 of adjustment, or zoning adjustor if there be such, and the granting of
29 a conditional use permit imposing such performance standards as will
30 make the use compatible with other permitted uses in the same vicinity
31 and zone and assure against imposing excessive demands upon public
32 utilities, provided the county ordinances specify the standards and
33 criteria that shall be applied.

34 (8) "Department" means a planning department organized and
35 functioning as any other department in any county.

36 (9) "Element" means one of the various categories of subjects, each
37 of which constitutes a component part of the comprehensive plan.

1 (10) "Ex officio member" means a member of the commission who
2 serves by virtue of his or her official position as head of a
3 department specified in the ordinance creating the commission.

4 (11) "Official controls" means legislatively defined and enacted
5 policies, standards, precise detailed maps and other criteria, all of
6 which control the physical development of a county or any part thereof
7 or any detail thereof, and are the means of translating into
8 regulations and ordinances all or any part of the general objectives of
9 the comprehensive plan. Such official controls may include, but are
10 not limited to, ordinances establishing zoning, subdivision control,
11 platting, and adoption of detailed maps.

12 (12) "Ordinance" means a legislative enactment by a board; in this
13 chapter the word, "ordinance", is synonymous with the term
14 "resolution", as representing a legislative enactment by a board of
15 county commissioners.

16 (13) "Planning agency" means (a) a planning commission, together
17 with its staff members, employees and consultants, or (b) a department
18 organized and functioning as any other department in any county
19 government together with its planning commission.

20 (14) "Variance." A variance is the means by which an adjustment is
21 made in the application of the specific regulations of a zoning
22 ordinance to a particular piece of property, which property, because of
23 special circumstances applicable to it, is deprived of privileges
24 commonly enjoyed by other properties in the same vicinity and zone and
25 which adjustment remedies disparity in privileges.

26 **Sec. 4107.** RCW 36.70.080 and 1963 c 4 s 36.70.080 are each amended
27 to read as follows:

28 The members of a commission shall be appointed by the ((~~chairman~~))
29 chair of the board with the approval of a majority of the board:
30 PROVIDED, That each member of the board shall submit to the
31 ((~~chairman~~)) chair a list of nominees residing in his or her
32 commissioner district, and the ((~~chairman~~)) chair shall make his or her
33 appointments from such lists so that as nearly as mathematically
34 possible, each commissioner district shall be equally represented on
35 the commission.

1 **Sec. 4108.** RCW 36.70.090 and 1963 c 4 s 36.70.090 are each amended
2 to read as follows:

3 When a commission is created after June 10, 1959, the first terms
4 of the members of the commission consisting of five, seven, and nine
5 members, respectively, other than ex officio members, shall be as
6 follows:

7 (1) For a five-member commission--one, shall be appointed for one
8 year; one, for two years; one, for three years; and two, for four
9 years.

10 (2) For a seven-member commission--one, shall be appointed for one
11 year; two, for two years; two, for three years; and two, for four
12 years.

13 (3) For a nine-member commission--two, shall be appointed for one
14 year; two, for two years; two, for three years; and three, for four
15 years.

16 Thereafter, the successors to the first member shall be appointed
17 for four year terms: PROVIDED, That where the commission includes one
18 ex officio member, the number of appointive members first appointed for
19 a four year term shall be reduced by one; if there are to be two ex
20 officio members, the number of appointive members for the three year
21 and four year terms shall each be reduced by one; if there are to be
22 three ex officio members, the number of appointive members for the four
23 year term, the three year term, and the two year term shall each be
24 reduced by one. The term of an ex officio member shall correspond to
25 his or her official tenure: PROVIDED FURTHER, That where a commission,
26 on the effective date of this chapter, is operating with members
27 appointed for longer than four year terms, such members shall serve out
28 the full term for which they were appointed, but their successors, if
29 any, shall be appointed for four year terms.

30 **Sec. 4109.** RCW 36.70.110 and 1963 c 4 s 36.70.110 are each amended
31 to read as follows:

32 After public hearing, any appointee member of a commission may be
33 removed by the ((~~chairman~~)) chair of the board, with the approval of
34 the board, for inefficiency, neglect of duty, or malfeasance in office.

35 **Sec. 4110.** RCW 36.70.120 and 1963 c 4 s 36.70.120 are each amended
36 to read as follows:

1 Each commission shall elect its ((~~chairman~~)) chair and vice
2 ((~~chairman~~)) chair from among the appointed members. The commission
3 shall appoint a secretary who need not be a member of the commission.

4 **Sec. 4111.** RCW 36.70.150 and 1963 c 4 s 36.70.150 are each amended
5 to read as follows:

6 Two or more county planning agencies in any combination may hold
7 joint meetings and by approval of their respective boards may have the
8 same ((~~chairman~~)) chair.

9 **Sec. 4112.** RCW 36.70.160 and 1963 c 4 s 36.70.160 are each amended
10 to read as follows:

11 If a director of planning is provided for, he or she shall be
12 appointed:

13 (1) By the commission when a commission is created under RCW
14 36.70.030;

15 (2) If a planning department is established as provided in RCW
16 36.70.040, then he or she shall be appointed by the board.

17 **Sec. 4113.** RCW 36.70.170 and 1963 c 4 s 36.70.170 are each amended
18 to read as follows:

19 The director of planning shall be authorized to appoint such
20 employees as are necessary to perform the duties assigned to him or her
21 within the budget allowed.

22 **Sec. 4114.** RCW 36.70.180 and 1963 c 4 s 36.70.180 are each amended
23 to read as follows:

24 The boards of two or more counties or the legislative bodies of
25 other political subdivisions or special districts may jointly engage a
26 single director of planning and may authorize him or her to employ such
27 other personnel as may be necessary to carry out the joint planning
28 program.

29 **Sec. 4115.** RCW 36.70.250 and 1963 c 4 s 36.70.250 are each amended
30 to read as follows:

31 Any member of the board of adjustment may be removed by the
32 ((~~chairman~~)) chair of the board with the approval of the board for
33 inefficiency, neglect of duty or malfeasance in office.

1 **Sec. 4116.** RCW 36.70.260 and 1963 c 4 s 36.70.260 are each amended
2 to read as follows:

3 The board of adjustment shall elect a ((~~chairman~~)) chair and vice
4 ((~~chairman~~)) chair from among its members. The board of adjustment
5 shall appoint a secretary who need not be a member of the board.

6 **Sec. 4117.** RCW 36.70.400 and 1963 c 4 s 36.70.400 are each amended
7 to read as follows:

8 The approval of the comprehensive plan, or of any amendment,
9 extension or addition thereto, shall be by the affirmative vote of not
10 less than a majority of the total members of the commission. Such
11 approval shall be by a recorded motion which shall incorporate the
12 findings of fact of the commission and the reasons for its action and
13 the motion shall refer expressly to the maps, descriptive, and other
14 matters intended by the commission to constitute the plan or amendment,
15 addition or extension thereto. The indication of approval by the
16 commission shall be recorded on the map and descriptive matter by the
17 signatures of the ((~~chairman~~)) chair and the secretary of the
18 commission and of such others as the commission in its rules may
19 designate.

20 **Sec. 4118.** RCW 36.70.600 and 1963 c 4 s 36.70.600 are each amended
21 to read as follows:

22 The recommendation to the board of any official control or
23 amendments thereto by the planning agency shall be by the affirmative
24 vote of not less than a majority of the total members of the
25 commission. Such approval shall be by a recorded motion which shall
26 incorporate the findings of fact of the commission and the reasons for
27 its action and the motion shall refer expressly to the maps,
28 descriptive and other matters intended by the commission to constitute
29 the plan, or amendment, addition or extension thereto. The indication
30 of approval by the commission shall be recorded on the map and
31 descriptive matter by the signatures of the ((~~chairman~~)) chair and the
32 secretary of the commission and of such others as the commission in its
33 rules may designate.

34 **Sec. 4119.** RCW 36.70.850 and 1963 c 4 s 36.70.850 are each amended
35 to read as follows:

1 Upon the filing of an appeal from an administrative determination,
2 or from the action of the zoning adjustor, the board of adjustment
3 shall set the time and place at which the matter will be considered.
4 At least a ten day notice of such time and place together with one copy
5 of the written appeal, shall be given to the official whose decision is
6 being appealed. At least ten days notice of the time and place shall
7 also be given to the adverse parties of record in the case. The
8 officer from whom the appeal is being taken shall forthwith transmit to
9 the board of adjustment all of the records pertaining to the decision
10 being appealed from, together with such additional written report as he
11 or she deems pertinent.

12 **Sec. 4120.** RCW 36.70.880 and 1963 c 4 s 36.70.880 are each amended
13 to read as follows:

14 The action by the zoning adjustor on all matters coming before him
15 or her shall be final and conclusive unless within ten days after the
16 zoning adjustor has made his or her order, requirement, decision or
17 determination, an appeal in writing is filed with the board of
18 adjustment. Such an appeal may be taken by the original applicant, or
19 by opponents of record in the case.

20 **Sec. 4121.** RCW 36.71.020 and 1985 c 91 s 3 are each amended to
21 read as follows:

22 Every peddler, before commencing business in any county of the
23 state, shall apply in writing and under oath to the appropriate county
24 official of the county in which he or she proposes to operate for a
25 county license. The application must state the names and residences of
26 the owners or parties in whose interest the business is to be
27 conducted. The applicant at the same time shall file a true statement
28 under oath of the quantity and value of the stock of goods, wares, and
29 merchandise that is in the county for sale or to be kept or exposed for
30 sale in the county, make a special deposit of five hundred dollars, and
31 pay the county license fee as may be fixed under the authority of RCW
32 36.32.120(3).

33 The appropriate county official shall thereupon issue to the
34 applicant a peddler's license, authorizing him or her to do business in
35 the county for the term of one year from the date thereof. Every
36 county license shall contain a copy of the application therefor, shall

1 not be transferable, and shall not authorize more than one person to
2 sell goods as a peddler, either by agent or clerk, or in any other way
3 than his or her own proper person.

4 **Sec. 4122.** RCW 36.71.040 and 1985 c 91 s 5 are each amended to
5 read as follows:

6 Upon the expiration and return of a county license, the appropriate
7 county official shall cancel it, indorse thereon the cancellation, and
8 place it on file. After holding the special deposit of the licensee
9 for a period of ninety days from the date of cancellation, he or she
10 shall return the deposit or such portion as may remain in his or her
11 hands after satisfying the claims made against it.

12 **Sec. 4123.** RCW 36.71.050 and 1985 c 91 s 6 are each amended to
13 read as follows:

14 Each deposit made with the county shall be subject to all taxes
15 legally chargeable thereto, to attachment and execution on behalf of
16 the creditors of the licensee whose claims arise in connection with the
17 business done under his or her license, and the county may be held to
18 answer as trustee in any civil action in contract or tort brought
19 against any licensee, and shall pay over, under order of the court or
20 upon execution, such amount of money as the licensee may be chargeable
21 with upon the final determination of the case. Such deposit shall also
22 be subject to the payment of any and all fines and penalties incurred
23 by the licensee through violations of the provisions of RCW 36.71.010,
24 36.71.020, 36.71.030, 36.71.040 and 36.71.060, which shall be a lien
25 upon the deposit and shall be collected in the manner provided by law.

26 **Sec. 4124.** RCW 36.71.070 and 1984 c 189 s 6 are each amended to
27 read as follows:

28 (1) If any person sells any goods, wares, or merchandise, at
29 auction or public outcry, or barter goods, wares or merchandise from
30 traveling boats, wagons, carts or vehicles of any kind, or from any
31 pack, basket or other package carried on foot without first having
32 obtained a license therefor from the board of county commissioners of
33 the county in which such goods are sold or bartered, he or she shall be
34 guilty of a misdemeanor, and upon conviction shall be fined not less
35 than five nor more than fifty dollars, and shall stand committed to the

1 county jail of the county in which the conviction is had until such
2 fine and cost of prosecution are paid, or discharged by due course of
3 law: PROVIDED, That this section shall not be construed as to apply to
4 any seagoing craft or to administrators or executors selling property
5 of deceased persons, or to private individuals selling their household
6 property, or furniture, or farming tools, implements, or livestock, or
7 any produce grown or raised by them, either at public auction or
8 private sale.

9 (2) Notwithstanding subsection (1) of this section, counties shall
10 not license auctioneers that are licensed by the state under chapter
11 18.11 RCW.

12 **Sec. 4125.** RCW 36.76.120 and 1984 c 186 s 33 are each amended to
13 read as follows:

14 The county legislative authority must ascertain and levy annually
15 a tax sufficient to pay the interest on all such bonds whenever it
16 becomes due and to meet the annual maturities of principal. The county
17 treasurer must pay out of any money accumulated from the taxes levied
18 to pay the interest as aforesaid, the interest upon all such bonds when
19 it becomes due as provided on the bond or, if coupons are attached to
20 a bond, upon presentation at the place of payment of the proper coupon.
21 Any interest payments or coupons so paid must be reported to the county
22 legislative authority at its first meeting thereafter. Whenever
23 interest is payable at any place other than the city in which the
24 county treasurer keeps his or her office, the county treasurer shall
25 seasonably remit to the state fiscal agent the amount of money required
26 for the payment of any interest which is about to fall due. When any
27 such bonds or any interest is paid, the county treasurer shall suitably
28 and indelibly cancel them.

29 **Sec. 4126.** RCW 36.77.070 and 1983 c 3 s 81 are each amended to
30 read as follows:

31 If the board determines that any construction should be performed
32 by day labor, and the estimated cost of the work exceeds twenty-five
33 hundred dollars, it shall cause to be published in one issue of a
34 newspaper of general circulation in the county, a brief description of
35 the work to be done and the county road engineer's estimate of the cost
36 thereof. At the completion of such construction, the board shall cause

1 to be published in one issue of such a newspaper a similar brief
2 description of the work together with an accurate statement of the true
3 and complete cost of performing such construction by day labor.

4 Failure to make the required publication shall subject each county
5 commissioner to a fine of one hundred dollars for which he or she shall
6 be liable individually and upon his or her official bond and the
7 prosecuting attorney shall prosecute for violation of the provisions of
8 this section and RCW 36.77.065.

9 **Sec. 4127.** RCW 36.78.090 and 1984 c 7 s 33 are each amended to
10 read as follows:

11 (1) Before May 1st of each year the board shall transmit to the
12 state treasurer certificates of good practice on behalf of the counties
13 which during the preceding calendar year:

14 (a) Have submitted to the state department of transportation or to
15 the board all reports required by law or regulation of the board; and

16 (b) Have reasonably complied with provisions of law relating to
17 county road administration and with the standards of good practice as
18 formulated and adopted by the board.

19 (2) The board shall not transmit to the state treasurer a
20 certificate of good practice on behalf of any county failing to meet
21 the requirements of subsection (1) of this section, but the board shall
22 in such case and before May 1st, notify the county and the state
23 treasurer of its reasons for withholding the certificate.

24 (3) The state treasurer, upon receiving a notice that a certificate
25 of good practice will not be issued on behalf of a county, or that a
26 previously issued certificate of good practice has been revoked, shall,
27 effective the first day of the month after that in which notice is
28 received, withhold from such county its share of motor vehicle fuel
29 taxes distributable pursuant to RCW 46.68.120 until the board
30 thereafter issues on behalf of such county a certificate of good
31 practice or a conditional certificate. After withholding or revoking
32 a certificate of good practice with respect to any county, the board
33 may thereafter at any time issue such a certificate or a conditional
34 certificate when the board is satisfied that the county has complied or
35 is diligently attempting to comply with the requirements of subsection
36 (1) of this section.

1 (4) The board may, upon notice and a hearing, revoke a previously
2 issued certificate of good practice or substitute a conditional
3 certificate therefor when, after issuance of a certificate of good
4 practice, any county fails to meet the requirements of subsection (1)
5 (a) and (b) of this section, but the board shall in such case notify
6 the county and the state treasurer of its reasons for the revocation or
7 substitution.

8 (5) Motor vehicle fuel taxes withheld from any county pursuant to
9 this section shall not be distributed to any other county, but shall be
10 retained in the motor vehicle fund to the credit of the county
11 originally entitled thereto. Whenever the state treasurer receives
12 from the board a certificate of good practice issued on behalf of such
13 county he or she shall distribute to such county all of the funds
14 theretofore retained in the motor vehicle fund to the credit of such
15 county.

16 **Sec. 4128.** RCW 36.78.110 and 1990 c 266 s 3 are each amended to
17 read as follows:

18 All expenses incurred by the board including salaries of employees
19 shall be paid upon voucher forms provided by the office of financial
20 management or pursuant to a regular payroll signed by the ((~~chairman~~))
21 chair and the executive director of the board. All expenses of the
22 board shall be paid out of that portion of the motor vehicle fund
23 allocated to the counties and withheld for use by the department of
24 transportation and the county road administration board under the
25 provisions of RCW 46.68.120(1), as now or hereafter amended.

26 **Sec. 4129.** RCW 36.79.160 and 1983 1st ex.s. c 49 s 17 are each
27 amended to read as follows:

28 (1) Upon completion of a preliminary proposal, the county
29 submitting the proposal shall submit to the board its voucher for
30 payment of the trust account share of the cost. Upon the completion of
31 an approved rural arterial construction project, the county
32 constructing the project shall submit to the board its voucher for the
33 payment of the trust account share of the cost. The ((~~chairman~~)) chair
34 of the board or his or her designated agent shall approve such voucher
35 when proper to do so, for payment from the rural arterial trust account
36 to the county submitting the voucher.

1 (2) The board may adopt rules providing for the approval of
2 payments of funds in the rural arterial trust account to a county for
3 costs of preliminary proposal, and costs of construction of an approved
4 project from time to time as work progresses. These payments shall at
5 no time exceed the rural arterial trust account share of the costs of
6 construction incurred to the date of the voucher covering the payment.

7 **Sec. 4130.** RCW 36.79.170 and 1983 1st ex.s. c 49 s 18 are each
8 amended to read as follows:

9 The legislative body of any county feeling aggrieved by any action
10 or decision of the board with respect to this chapter may appeal to the
11 secretary of transportation by filing a notice of appeal within ninety
12 days after the action or decision of the board. The notice shall
13 specify the action or decision of which complaint is made. The
14 secretary shall fix a time for a hearing on the appeal at the earliest
15 convenient time and shall notify the county auditor and the
16 ((~~chairman~~)) chair of the board by certified mail at least twenty days
17 before the date of the hearing. At the hearing the secretary shall
18 receive evidence from the county filing the appeal and from the board.
19 After the hearing the secretary shall make such order as in the
20 secretary's judgment is just and proper.

21 **Sec. 4131.** RCW 36.80.015 and 1963 c 4 s 36.80.015 are each amended
22 to read as follows:

23 The county road engineer shall keep his or her office at the county
24 seat in such room or rooms as are provided by the county, and he or she
25 shall be furnished with all necessary cases and other suitable
26 articles, and also with all blank books and blanks necessary to the
27 proper discharge of his or her official duties. The records and books
28 in the county road engineer's office shall be public records, and shall
29 at all proper times be open to the inspection and examination of the
30 public.

31 **Sec. 4132.** RCW 36.80.020 and 1969 ex.s. c 182 s 7 are each amended
32 to read as follows:

33 He or she shall be a registered and licensed professional civil
34 engineer under the laws of this state, duly qualified and experienced

1 in highway and road engineering and construction. He or she shall
2 serve at the pleasure of the board.

3 Before entering upon his or her employment, every county road
4 engineer shall give an official bond to the county in such amount as
5 the board shall determine, conditioned upon the fact that he or she
6 will faithfully perform all the duties of his or her employment and
7 account for all property of the county entrusted to his or her care.

8 **Sec. 4133.** RCW 36.80.030 and 1969 ex.s. c 182 s 8 are each amended
9 to read as follows:

10 The county road engineer shall examine and certify to the board all
11 estimates and all bills for labor, materials, provisions, and supplies
12 with respect to county roads, prepare standards of construction of
13 roads and bridges, and perform such other duties as may be required by
14 order of the board.

15 He or she shall have supervision, under the direction of the board,
16 of establishing, laying out, constructing, altering, improving,
17 repairing, (~~(+and+)~~) and maintaining all county roads of the county.

18 **Sec. 4134.** RCW 36.80.050 and 1963 c 4 s 36.80.050 are each amended
19 to read as follows:

20 He or she shall keep a highway plat book in his or her office in
21 which he or she shall have accurately platted all public roads and
22 highways established by the board.

23 **Sec. 4135.** RCW 36.80.060 and 1969 ex.s. c 182 s 10 are each
24 amended to read as follows:

25 The county road engineer shall maintain in his or her office
26 complete and accurate records of all expenditures for (1)
27 administration, (2) bond and warrant retirement, (3) maintenance, (4)
28 construction, (5) purchase and operation of road equipment, and (6)
29 purchase or manufacture of materials and supplies, and shall maintain
30 a true and complete inventory of all road equipment. The state
31 auditor, with the advice and assistance of the county road
32 administration board, shall prescribe forms and types of records to be
33 maintained by the county road engineers.

1 **Sec. 4136.** RCW 36.81.050 and 1963 c 4 s 36.81.050 are each amended
2 to read as follows:

3 Whenever directed by the board to report upon the establishment of
4 a county road the engineer shall make an examination of the road and if
5 necessary a survey thereof. After examination, if the engineer deems
6 the road to be impracticable, he or she shall so report to the board
7 without making any survey, or he or she may examine or examine and
8 survey any other practicable route which would serve such purpose.
9 Whenever he or she considers any road as proposed or modified as
10 practicable, he or she shall report thereon in writing to the board
11 giving his or her opinion: (1) As to the necessity of the road; (2) as
12 to the proper terminal points, general course and length thereof; (3)
13 as to the proper width of right-of-way therefor; (4) as to the
14 estimated cost of construction, including all necessary bridges,
15 culverts, clearing, grubbing, drainage, and grading; (5) and such other
16 facts as he or she may deem of importance to be considered by the
17 board.

18 **Sec. 4137.** RCW 36.81.060 and 1963 c 4 s 36.81.060 are each amended
19 to read as follows:

20 The county road engineer shall file with his or her report a
21 correctly prepared map of the road as surveyed, which map must show the
22 tracts of land over which the road passes, with the names, if known, of
23 the several owners thereof, and he or she shall file therewith his or
24 her field notes and profiles of such survey.

25 **Sec. 4138.** RCW 36.82.100 and 1963 c 4 s 36.82.100 are each amended
26 to read as follows:

27 The boards of the several counties may purchase and operate, out of
28 the county road fund, rock crushing, gravel, or other road building
29 material extraction equipment.

30 Any crushed rock, gravel, or other road building material extracted
31 and not directly used or needed by the county in the construction,
32 alteration, repair, improvement, or maintenance of its roads may be
33 sold at actual cost of production by the board to the state or any
34 other county, city, town, or other political subdivision to be used in
35 the construction, alteration, repair, improvement, or maintenance of
36 any state, county, city, town or other proper highway, road or street

1 purpose: PROVIDED, That in counties of less than twelve thousand five
2 hundred population as determined by the 1950 federal census, the boards
3 of commissioners, during such times as the crushing, loading or mixing
4 equipment is actually in operation, or from stockpiles, may sell at
5 actual cost of production such surplus crushed rock, gravel, or other
6 road building material to any other person for private use where the
7 place of contemplated use of such crushed rock, gravel or other road
8 building material is more than fifteen miles distant from the nearest
9 private source of such materials within the county, distance being
10 computed by the closest traveled route: AND PROVIDED FURTHER, That the
11 purchaser presents, at or before the time of delivery to him or her, a
12 treasurer's receipt for payment for such surplus crushed rock, gravel,
13 or any other road building material.

14 **Sec. 4139.** RCW 36.87.040 and 1963 c 4 s 36.87.040 are each amended
15 to read as follows:

16 When directed by the board the county road engineer shall examine
17 any county road or portion thereof proposed to be vacated and abandoned
18 and report his or her opinion as to whether the county road should be
19 vacated and abandoned, whether the same is in use or has been in use,
20 the condition of the road, whether it will be advisable to preserve it
21 for the county road system in the future, whether the public will be
22 benefited by the vacation and abandonment, and all other facts,
23 matters, and things which will be of importance to the board, and also
24 file his or her cost bill.

25 **Sec. 4140.** RCW 36.88.040 and 1963 c 4 s 36.88.040 are each amended
26 to read as follows:

27 The election provided herein for cases where the improvement is
28 initiated by resolution shall be governed by the following rules: (1)
29 All ballots must be signed by the owner or reputed owner of property
30 within the proposed district according to the records of the county
31 auditor; (2) each ballot must be returned to the clerk of the board not
32 later than one week after the public hearing; (3) each property owner
33 shall have one vote for each full dollar of estimated assessment
34 against his or her property as determined by the preliminary estimates
35 and assessment roll; (4) the valid ballots shall be tabulated and a

1 majority of the votes cast shall determine whether the formation of the
2 district shall be approved or rejected.

3 **Sec. 4141.** RCW 36.88.130 and 1963 c 4 s 36.88.130 are each amended
4 to read as follows:

5 The county treasurer is hereby designated as the treasurer of all
6 county road improvement districts created hereunder, and shall collect
7 all road improvement district assessments, and the duties and
8 responsibilities herein imposed upon him or her shall be among the
9 duties and responsibilities of his or her office for which his or her
10 bond is given as county treasurer.

11 **Sec. 4142.** RCW 36.88.150 and 1963 c 4 s 36.88.150 are each amended
12 to read as follows:

13 Whenever before the sale of any property the amount of any
14 assessment thereon, with interest, penalty, costs and charges accrued
15 thereon, shall be paid to the treasurer, he or she shall thereon mark
16 the same paid with the date of payment thereof on the assessment roll.

17 **Sec. 4143.** RCW 36.88.200 and 1983 c 167 s 94 are each amended to
18 read as follows:

19 (1) Such bonds shall be numbered from one upwards consecutively,
20 shall be in such denominations as may be provided by the county
21 legislative authority in the resolution authorizing their issuance,
22 shall mature on or before a date not to exceed twenty-two years from
23 and after their date, shall bear interest at such rate or rates as
24 authorized by the legislative authority payable annually or
25 semiannually as may be provided by the legislative authority, shall be
26 signed by the ((~~chairman~~)) chair of the legislative authority and
27 attested by the county auditor, shall have the seal of the county
28 affixed thereto, and shall be payable at the office of the county
29 treasurer or elsewhere as may be designated by the legislative
30 authority. Such bonds may be in any form, including bearer bonds or
31 registered bonds as provided in RCW 39.46.030. In lieu of any
32 signatures required in this section, the bonds and any coupons may bear
33 the printed or engraved facsimile signatures of said officials.

34 Such bonds shall refer to the improvement for which they are issued
35 and to the resolution creating the road improvement district therefor.

1 (2) Notwithstanding subsection (1) of this section, such bonds may
2 be issued and sold in accordance with chapter 39.46 RCW.

3 **Sec. 4144.** RCW 36.88.250 and 1963 c 4 s 36.88.250 are each amended
4 to read as follows:

5 If the board fails to cause any bonds to be paid when due or to
6 promptly collect any assessments when due, the owner of any of the
7 bonds may proceed in his or her own name to collect the assessments and
8 foreclose the lien thereof in any court of competent jurisdiction and
9 shall recover in addition to the amount of the bonds outstanding in his
10 or her name, interest thereon at five percent per annum, together with
11 the costs of suit, including a reasonable attorney's fee to be fixed by
12 the court. Any number of owners of bonds for any single project may
13 join as plaintiffs and any number of the owners of property upon which
14 the assessments are liens may be joined as defendants in the same suit.

15 **Sec. 4145.** RCW 36.88.270 and 1963 c 4 s 36.88.270 are each amended
16 to read as follows:

17 The owner of any lot, tract, or parcel of land, or other property
18 charged with any such assessments may redeem the same from all or any
19 portion of the liability for the cost and expense of such improvement
20 by paying the entire assessment or any portion thereof charged against
21 such lot, tract, or parcel of land without interest within thirty days
22 after notice to him or her of such assessment, which notice shall be
23 given as follows: The county treasurer shall, as soon as the
24 assessment roll has been placed in his or her hands for collection,
25 publish a notice for two consecutive daily or weekly issues in the
26 official newspaper of the county in which the district is located,
27 which notice shall state that the assessment roll is in his or her
28 hands for collection and that any assessment thereon or any portion of
29 such assessment may be paid at any time within thirty days from the
30 date of the first publication of said notice without penalty interest
31 or costs.

32 **Sec. 4146.** RCW 36.88.300 and 1963 c 4 s 36.88.300 are each amended
33 to read as follows:

34 Whenever any district is organized hereunder, there shall be
35 included in the cost and expense thereof: (1) The cost of all of the

1 construction or improvement authorized in the district, including that
2 portion of the construction or improvement within the limits of any
3 street or road intersection, space or spaces; (2) the estimated costs
4 and expenses of all engineering and surveying necessary to be done by
5 the county engineer or under his or her direction or by such other
6 engineer as may be employed by the county commissioners; (3) the cost
7 of all advertising, mailing, and publishing of all notices; (4) the
8 cost of legal services and any other expenses incurred by the county
9 for the district or in the formation thereof, or by the district in
10 connection with such construction or improvement and in the financing
11 thereof, including the issuance of any bonds.

12 **Sec. 4147.** RCW 36.88.330 and 1980 c 100 s 6 are each amended to
13 read as follows:

14 The board may provide by resolution for the issuance of warrants in
15 payment of the costs and expenses of any project, payable out of the
16 county road improvement fund. The warrants shall be redeemed either in
17 cash or by bonds for the same project authorized by the resolution.

18 All warrants issued against any such improvement fund shall be
19 claims and liens against said fund prior and superior to any right,
20 lien or claim of any surety upon the bond given to the county by or for
21 the contract to secure the performance of his or her contract or to
22 secure the payment of persons who have performed work thereon,
23 furnished materials therefor, or furnished provisions and supplies for
24 the carrying on of the work.

25 The county treasurer may accept warrants against any county road
26 improvement fund upon such conditions as the board may prescribe in
27 payment of: (1) Assessments levied to supply that fund in due order of
28 priority; (2) judgments rendered against property owners who have
29 become delinquent in the payment of assessments to that fund; and (3)
30 certificates of purchase in cases where property of delinquents has
31 been sold under execution or at tax sale for failure to pay assessments
32 levied to supply that fund.

33 **Sec. 4148.** RCW 36.88.450 and 1967 c 194 s 5 are each amended to
34 read as follows:

35 When service from the underground electric and communication
36 facilities is available in all or part of a conversion area, the county

1 shall mail a notice to the owners of all structures or improvements
2 served from the existing overhead facilities in the area, which notice
3 shall state that:

4 (1) Service from the underground facilities is available;

5 (2) All electric and communication service lines from the existing
6 overhead facilities within the area to any structure or improvement
7 must be disconnected and removed within one hundred twenty days after
8 the date of the mailing of the notice;

9 (3) Should such owner fail to convert such service lines from
10 overhead to underground within one hundred twenty days after the date
11 of the mailing of the notice, the county will order the electric and
12 communication utilities to disconnect and remove the service lines;

13 (4) Should the owner object to the disconnection and removal of the
14 service lines he or she may file his or her written objections thereto
15 with the secretary of the board of county commissioners within one
16 hundred twenty days after the date of the mailing of the notice and
17 failure to so object within such time will constitute a waiver of his
18 or her right thereafter to object to such disconnection and removal.

19 If the owner of any structure or improvement served from the
20 existing overhead electric and communication facilities within a
21 conversion area shall fail to convert to underground the service lines
22 from such overhead facilities to such structure or improvement within
23 one hundred twenty days after the mailing to him or her of the notice,
24 the county shall order the electric and communication utilities to
25 disconnect and remove all such service lines: PROVIDED, That if the
26 owner has filed his or her written objections to such disconnection and
27 removal with the secretary of the board of county commissioners within
28 one hundred twenty days after the mailing of said notice then the
29 county shall not order such disconnection and removal until after the
30 hearing on such objections.

31 Upon the timely filing by the owner of objections to the
32 disconnection and removal of the service lines, the board of county
33 commissioners shall conduct a hearing to determine whether the removal
34 of all or any part of the service lines is in the public benefit. The
35 hearing shall be held at such time as the board of county commissioners
36 may establish for hearings on such objections and shall be held in
37 accordance with the regularly established procedure set by the board.

1 The determination reached by the board of county commissioners shall be
2 final in the absence of an abuse of discretion.

3 **Sec. 4149.** RCW 36.90.030 and 1998 c 107 s 2 are each amended to
4 read as follows:

5 The board of county commissioners in the county of Lewis as
6 administrators of all property relating to the southwest Washington
7 fair may elect to appoint either (1) a designee, whose operation and
8 funds the board may control and oversee, to carry out the board's
9 duties and obligations as set forth in RCW 36.90.020, or (2) a
10 commission of citizens to advise and assist in carrying out such fair.
11 The ((~~chairman~~)) chair of the board of county commissioners of Lewis
12 county may elect to serve as ((~~chairman~~)) chair of any such commission.
13 Such commission may elect a president and secretary and define their
14 duties and fix their compensation, and provide for the keeping of its
15 records. The commission may also designate the treasurer of Lewis
16 county as fair treasurer. The funds relating to fair activities shall
17 be kept separate and apart from the funds of Lewis county, but shall be
18 deposited in the regular depositories of Lewis county and all interest
19 earned thereby shall be added to and become a part of the funds. Fair
20 funds shall be audited as are other county funds.

21 **Sec. 4150.** RCW 36.92.030 and 1967 ex.s. c 103 s 4 are each amended
22 to read as follows:

23 By resolution, the board of county commissioners may create a
24 county central services department which shall be organized and
25 function as any other department of the county. When a board creates
26 a central services department, it shall also provide for the
27 appointment of a supervisor to be the administrative head of such
28 department, subject to the supervision and control of the board, and to
29 serve at the pleasure of the board. The supervisor shall receive such
30 salary as may be prescribed by the board. In addition, the supervisor
31 shall be reimbursed for traveling and other actual and necessary
32 expenses incurred by him or her in the performance of his or her
33 official duties.

34 **Sec. 4151.** RCW 36.93.070 and 1997 c 77 s 1 are each amended to
35 read as follows:

1 The members of each boundary review board shall elect from its
2 members a ((~~chairman~~)) chair, vice ((~~chairman~~)) chair, and shall employ
3 a nonmember as chief clerk, who shall be the secretary of the board.
4 The board shall determine its own rules and order of business and shall
5 provide by resolution for the time and manner of holding all regular or
6 special meetings: PROVIDED, That all meetings shall be subject to
7 chapter 42.30 RCW. The board shall keep a journal of its proceedings
8 which shall be a public record. A majority of all the members shall
9 constitute a quorum for the transaction of business.

10 The chief clerk of the board shall have the power to administer
11 oaths and affirmations, certify to all official acts, issue subpoenas
12 to any public officer or employee ordering him or her to testify before
13 the board and produce public records, papers, books or documents. The
14 chief clerk may invoke the aid of any court of competent jurisdiction
15 to carry out such powers.

16 The board by rule may provide for hearings by panels of members
17 consisting of not less than five board members, the number of hearing
18 panels and members thereof, and for the impartial selection of panel
19 members. A majority of a panel shall constitute a quorum thereof.

20 At the request of the board, the state attorney general, or at the
21 board's option, the county prosecuting attorney, shall provide counsel
22 for the board.

23 The planning departments of the county, other counties, and any
24 city, and any state or regional planning agency shall furnish such
25 information to the board at its request as may be reasonably necessary
26 for the performance of its duties.

27 Each member of the board shall be compensated from the county
28 current expense fund at the rate of fifty dollars per day, or a major
29 portion thereof, for time actually devoted to the work of the boundary
30 review board. Each board of county commissioners shall provide such
31 funds as shall be necessary to pay the salaries of the members and
32 staff, and such other expenses as shall be reasonably necessary.

33 **Sec. 4152.** RCW 36.93.110 and 1987 c 477 s 4 are each amended to
34 read as follows:

35 Where an area proposed for annexation is less than ten acres and
36 less than two million dollars in assessed valuation, the ((~~chairman~~))
37 chair of the review board may by written statement declare that review

1 by the board is not necessary for the protection of the interest of the
2 various parties, in which case the board shall not review such
3 annexation.

4 **Sec. 4153.** RCW 36.93.160 and 1994 c 216 s 16 are each amended to
5 read as follows:

6 (1) When the jurisdiction of the boundary review board has been
7 invoked, the board shall set the date, time and place for a public
8 hearing on the proposal. The board shall give at least thirty days'
9 advance written notice of the date, time and place of the hearing to
10 the governing body of each governmental unit having jurisdiction within
11 the boundaries of the territory proposed to be annexed, formed,
12 incorporated, disincorporated, dissolved or consolidated, or within the
13 boundaries of a special district whose assets and facilities are
14 proposed to be assumed by a city or town, and to the governing body of
15 each city within three miles of the exterior boundaries of the area and
16 to the proponent of the change. Notice shall also be given by
17 publication in any newspaper of general circulation in the area of the
18 proposed boundary change at least three times, the last publication of
19 which shall be not less than five days prior to the date set for the
20 public hearing. Notice shall also be posted in ten public places in
21 the area affected for five days when the area is ten acres or more.
22 When the area affected is less than ten acres, five notices shall be
23 posted in five public places for five days. Notice as provided in this
24 subsection shall include any territory which the board has determined
25 to consider adding in accordance with RCW 36.93.150(2).

26 (2) A verbatim record shall be made of all testimony presented at
27 the hearing and upon request and payment of the reasonable costs
28 thereof, a copy of the transcript of the testimony shall be provided to
29 any person or governmental unit.

30 (3) The ((~~chairman~~)) chair upon majority vote of the board or a
31 panel may direct the chief clerk of the boundary review board to issue
32 subpoenas to any public officer to testify, and to compel the
33 production by him or her of any records, books, documents, public
34 records or public papers.

35 (4) Within forty days after the conclusion of the final hearing on
36 the proposal, the board shall file its written decision, setting forth
37 the reasons therefor, with the board of county commissioners and the

1 clerk of each governmental unit directly affected. The written
2 decision shall indicate whether the proposed change is approved,
3 rejected or modified and, if modified, the terms of the modification.
4 The written decision need not include specific data on every factor
5 required to be considered by the board, but shall indicate that all
6 standards were given consideration. Dissenting members of the board
7 shall have the right to have their written dissents included as part of
8 the decision.

9 (5) Unanimous decisions of the hearing panel or a decision of a
10 majority of the members of the board shall constitute the decision of
11 the board and shall not be appealable to the whole board. Any other
12 decision shall be appealable to the entire board within ten days.
13 Appeals shall be on the record, which shall be furnished by the
14 appellant, but the board may, in its sole discretion, permit the
15 introduction of additional evidence and argument. Decisions shall be
16 final and conclusive unless within thirty days from the date of the
17 action a governmental unit affected by the decision or any person
18 owning real property or residing in the area affected by the decision
19 files in the superior court a notice of appeal.

20 The filing of the notice of appeal within the time limit shall stay
21 the effective date of the decision of the board until such time as the
22 appeal shall have been adjudicated or withdrawn. On appeal the
23 superior court shall not take any evidence other than that contained in
24 the record of the hearing before the board.

25 (6) The superior court may affirm the decision of the board or
26 remand the case for further proceedings; or it may reverse the decision
27 if any substantial rights may have been prejudiced because the
28 administrative findings, inferences, conclusions, or decisions are:

- 29 (a) In violation of constitutional provisions, or
30 (b) In excess of the statutory authority or jurisdiction of the
31 board, or
32 (c) Made upon unlawful procedure, or
33 (d) Affected by other error of law, or
34 (e) Unsupported by material and substantial evidence in view of the
35 entire record as submitted, or
36 (f) Clearly erroneous.

37 An aggrieved party may seek appellate review of any final judgment of

1 the superior court in the manner provided by law as in other civil
2 cases.

3 **Sec. 4154.** RCW 36.94.060 and 1971 ex.s. c 96 s 3 are each amended
4 to read as follows:

5 The members of each review committee shall elect from its members
6 a ((~~chairman~~)) chair and a secretary. The committee shall determine
7 its own rules and order of business and shall provide by resolution for
8 the time and manner of its proceedings which shall be a public record.
9 A majority of all the members shall constitute a quorum for the
10 transaction of business.

11 Each member of the committee shall be compensated from the county
12 current expense fund at the rate of twenty-five dollars per day, or a
13 major portion thereof, for time actually devoted to the work of the
14 committee in reviewing any proposed sewerage and/or water general plan
15 or amendments to a plan. Each board of county commissioners shall
16 provide such funds as shall be necessary to pay the compensation of the
17 members and such other expenses as shall be reasonably necessary. Such
18 payments shall be reimbursed to the counties advancing the funds from
19 moneys acquired from the construction or operation of a sewerage and/or
20 water system.

21 **Sec. 4155.** RCW 36.94.290 and 1988 c 202 s 41 are each amended to
22 read as follows:

23 The decision of the board of county commissioners upon any
24 objections made within the time and in the manner herein prescribed,
25 may be reviewed by the superior court upon an appeal thereto taken in
26 the following manner. Such appeal shall be made by filing written
27 notice of appeal with the clerk of the board of county commissioners
28 and with the clerk of the superior court within ten days after the
29 resolution confirming such assessment roll shall have become published,
30 and such notice shall describe the property and set forth the
31 objections of such appellant to such assessment. Within the ten days
32 from the filing of such notice of appeal with the clerk of the superior
33 court, the appellant shall file with the clerk of said court, a
34 transcript consisting of the assessment roll and his or her objections
35 thereto, together with the resolution confirming such assessment roll
36 and the record of the board of county commissioners with reference to

1 said assessment, which transcript, upon payment of the necessary fees
2 therefor, shall be furnished by such clerk of the board of county
3 commissioners and by him or her certified to contain full, true and
4 correct copies of all matters and proceedings required to be included
5 in such transcript. Such fees shall be the same as the fees payable to
6 the county clerk for the preparation and certification of transcripts
7 on appeal to the supreme court or the court of appeals in civil
8 actions. At the time of the filing of the notice of appeal with the
9 clerk of the superior court a sufficient bond in the penal sum of two
10 hundred dollars, with sureties thereon as provided by law for appeals
11 in civil cases, shall be filed conditioned to prosecute such appeal
12 without delay, and if unsuccessful, to pay all costs to which the
13 county is put by reason of such appeal. The court may order the
14 appellant upon application therefor, to execute and file such
15 additional bond or bonds as the necessity of the case may require.
16 Within three days after such transcript is filed in the superior court,
17 as aforesaid, the appellant shall give written notice to the clerk of
18 the board of county commissioners that such transcript is filed. Said
19 notice shall state a time, not less than three days from the service
20 thereof, when the appellant will call up the said cause for hearing.
21 The superior court shall, at said time or at such further time as may
22 be fixed by order of the court, hear and determine such appeal without
23 a jury, and such cause shall have preference over all civil causes
24 pending in said court, except proceedings under an act relating to
25 eminent domain in such county and actions of forcible entry and
26 detainer. The judgment of the court shall confirm, correct, modify or
27 annul the assessment insofar as the same affects the property of the
28 appellant. A certified copy of the decision of the court shall be
29 filed with the officer who shall have the custody of the assessment
30 roll, and he or she shall modify and correct such assessment roll in
31 accordance with such decision. Appellate review of the judgment of the
32 superior court may be sought as in other cases. However, review must
33 be sought within fifteen days after the date of the entry of the
34 judgment of such superior court. The supreme court or the court of
35 appeals on such appeal may correct, change, modify, confirm or annul
36 the assessment insofar as the same affects the property of the
37 appellant. A certified copy of the order of the supreme court or the

1 court of appeals upon such appeal shall be filed with the officer
2 having custody of such assessment roll, who shall thereupon modify and
3 correct such assessment roll in accordance with such decision.

4 **Sec. 4156.** RCW 36.94.340 and 1975 1st ex.s. c 188 s 10 are each
5 amended to read as follows:

6 When a municipal corporation and a county have entered into a
7 written agreement providing for the transfer to such county of all or
8 part of the property of such municipal corporation, proceedings may be
9 initiated in the superior court for that county by the filing of a
10 petition to which there shall be attached copies of the agreement of
11 the parties and of the resolutions of the governing body of the
12 municipal corporation and the legislative authority of the county
13 authorizing its execution. Such petition shall ask that the court
14 approve and direct the proposed transfer of property, and any
15 assumption of indebtedness agreed to in consideration thereof by the
16 county, after finding such transfer and acquisition of property to be
17 in the public interest and conducive to the public health, safety,
18 welfare, or convenience. Such petition shall be signed by the members
19 of the legislative authority of the county or chief administrative
20 officer of the municipal corporation and the (~~chairman~~) chair of the
21 legislative authority of the county, respectively, upon authorization
22 by the governing body of the municipal corporation and the legislative
23 authority of the county.

24 Within thirty days after the filing of the petition of the parties
25 with copies of their agreement and the resolutions authorizing its
26 execution attached thereto, the court shall by order fix a date for a
27 hearing on the petition not less than twenty nor more than ninety days
28 after the entry of such order which also shall prescribe the form and
29 manner of notice of such hearing to be given. After considering the
30 petition and such evidence as may be presented at the hearing thereon,
31 the court may determine by decree that the proposed transfer of
32 property is in the public interest and conducive to the public health,
33 safety, welfare, or convenience, approve the agreement of the parties
34 and direct that such transfer be accomplished in accordance with that
35 agreement at the time and in the manner prescribed by the court decree.

1 **Sec. 4157.** RCW 36.95.060 and 1992 c 150 s 1 are each amended to
2 read as follows:

3 The business of the district shall be conducted by the board of the
4 television reception improvement district, hereinafter referred to as
5 the "board". The board shall be constituted as provided under either
6 subsection (1) or (2) of this section.

7 (1) The board of a district having boundaries different from the
8 county's shall have either three, five, seven, or nine members, as
9 determined by the board of county commissioners at the time the
10 district is created. Each member shall reside within the boundaries of
11 the district and shall be appointed by the board of county
12 commissioners for a term of three years, or until his or her successor
13 has qualified, except that the board of county commissioners shall
14 appoint one of the members of the first board to a one-year term and
15 two to two-year terms. There is no limit upon the number of terms to
16 which a member may be reappointed after his or her first appointment.
17 A majority of the members of the board shall constitute a quorum for
18 the transaction of business, but the majority vote of the board members
19 shall be necessary for any action taken by the board. The board shall
20 elect from among its members a (~~chairman~~) chair and such other
21 officers as may be necessary. In the event a seat on the board is
22 vacated prior to the expiration of the term of the member appointed to
23 such seat, the board of county commissioners shall appoint a person to
24 complete the unexpired term.

25 (2) Upon the creation of a district having boundaries identical to
26 those of the county (a county-wide district), the county commissioners
27 shall be the members of the board of the district and shall have all
28 the powers and duties of the board as provided under the other sections
29 of this chapter. The county commissioners shall be reimbursed pursuant
30 to the provisions of RCW 36.95.070, and shall conduct the business of
31 the district according to the regular rules and procedures applicable
32 to meetings of the board of county commissioners.

33 **Sec. 4158.** RCW 36.95.100 and 1981 c 52 s 2 are each amended to
34 read as follows:

35 The tax provided for in RCW 36.95.090 and this section shall not
36 exceed sixty dollars per year per television set, and no person shall
37 be taxed for more than one television set, except that a motel or hotel

1 or any person owning in excess of five television sets shall pay at a
2 rate of one-fifth of the annual tax rate imposed for each of the first
3 five television sets and one-tenth of such rate for each additional set
4 thereafter. An owner of a television set within the district shall be
5 exempt from paying any tax on such set under this chapter: (1) If
6 either (a) his or her television set does not receive at least a class
7 grade B contour signal retransmitted by the television translator
8 station or other similar device operated by the district, as such class
9 is defined under regulations of the Federal Communications Commission
10 as of August 9, 1971, or (b) he or she is currently subscribing to and
11 receiving the services of a community antenna system (CATV) to which
12 his or her television set is connected; and (2) if he or she filed a
13 statement with the board claiming his or her grounds for exemption.
14 Space for such statement shall be provided for in the tax notice which
15 the treasurer shall send to taxpayers in behalf of the district.

16 **Sec. 4159.** RCW 36.95.110 and 1981 c 52 s 3 are each amended to
17 read as follows:

18 Any person owing the excise tax provided for under this chapter and
19 who fails to pay the same within sixty days after the board or the
20 county treasurer has sent the tax bill to him or her, shall be deemed
21 to be delinquent. Such person shall be liable for all costs to the
22 county or district attributable to collecting the tax but no such
23 excise tax or costs, nor any judgment based thereon, shall be deemed to
24 create a lien against real property.

25 **Sec. 4160.** RCW 36.95.150 and 1971 ex.s. c 155 s 15 are each
26 amended to read as follows:

27 Any claim against the district shall be presented to the board.
28 Upon allowance of the claim, the board shall submit a voucher, signed
29 by the ((~~chairman~~)) chair and one other member of the board, to the
30 county auditor for the issuance of a warrant in payment of said claim.
31 This procedure for payment of claims shall apply to the reimbursement
32 of board members for their actual and necessary expenses incurred by
33 them in the performance of their official duties.

34 **Sec. 4161.** RCW 36.95.160 and 1983 c 167 s 103 are each amended to
35 read as follows:

1 The treasurer of the county in which a district is located shall be
2 ex officio treasurer of the district. The treasurer shall collect the
3 excise tax provided for under this chapter and shall send notice of
4 payment due to persons owing the tax: PROVIDED, That districts with
5 fewer than twelve hundred persons subject to the excise tax and levying
6 an excise tax of forty dollars or more per television set per year
7 shall have the option of having the district (1) send the tax notices
8 bimonthly, and (2) collect the excise taxes which shall then be
9 forwarded to the county treasurer for deposit in the district account.
10 There shall be deposited with him or her all funds of the district.
11 All district payments shall be made by him or her from such funds upon
12 warrants issued by the county auditor, except the sums to be paid out
13 of any bond fund for principal and interest payments on bonds. All
14 warrants shall be paid in the order of issuance. The treasurer shall
15 report monthly to the board, in writing, the amount in the district
16 fund or funds.

17

PART V

18 **Sec. 5001.** RCW 43.01.040 and 1984 c 184 s 19 are each amended to
19 read as follows:

20 Each subordinate officer and employee of the several offices,
21 departments, and institutions of the state government shall be entitled
22 under their contract of employment with the state government to not
23 less than one working day of vacation leave with full pay for each
24 month of employment if said employment is continuous for six months.

25 Each such subordinate officer and employee shall be entitled under
26 such contract of employment to not less than one additional working day
27 of vacation with full pay each year for satisfactorily completing the
28 first two, three and five continuous years of employment respectively.

29 Such part time officers or employees of the state government who
30 are employed on a regular schedule of duration of not less than one
31 year shall be entitled under their contract of employment to that
32 fractional part of the vacation leave that the total number of hours of
33 such employment bears to the total number of hours of full time
34 employment.

35 Each subordinate officer and employee of the several offices,
36 departments and institutions of the state government shall be entitled

1 under his or her contract of employment with the state government to
2 accrue unused vacation leave not to exceed thirty working days.
3 Officers and employees transferring within the several offices,
4 departments and institutions of the state government shall be entitled
5 to transfer such accrued vacation leave to each succeeding state
6 office, department or institution. All vacation leave shall be taken
7 at the time convenient to the employing office, department or
8 institution: PROVIDED, That if a subordinate officer's or employee's
9 request for vacation leave is deferred by reason of the convenience of
10 the employing office, department or institution, and a statement of the
11 necessity therefor is filed by such employing office, department or
12 institution with the appropriate personnel board or other state agency
13 or officer, then the aforesaid maximum thirty working days of accrued
14 unused vacation leave shall be extended for each month said leave is so
15 deferred.

16 **Sec. 5002.** RCW 43.01.050 and 1985 c 57 s 26 are each amended to
17 read as follows:

18 Each state officer or other person, other than county treasurer,
19 who is authorized by law to collect or receive moneys which are
20 required by statute to be deposited in the state treasury shall
21 transmit to the state treasurer each day, all such moneys collected by
22 him or her on the preceding day: PROVIDED, That the state treasurer
23 may in his or her discretion grant exceptions where such daily
24 transfers would not be administratively practical or feasible. In the
25 event that remittances are not accompanied by a statement designating
26 source and fund, the state treasurer shall deposit these moneys in an
27 account hereby created in the state treasury to be known as the
28 undistributed receipts account. These moneys shall be retained in the
29 account until such time as the transmitting agency provides a statement
30 in duplicate of the source from which each item of money was derived
31 and the fund into which it is to be transmitted. The director of
32 financial management in accordance with RCW 43.88.160 shall promulgate
33 regulations designed to assure orderly and efficient administration of
34 this account. In the event moneys are deposited in this account that
35 constitute overpayments, refunds may be made by the remitting agency
36 without virtue of a legislative appropriation.

1 **Sec. 5003.** RCW 43.01.070 and 1965 c 8 s 43.01.070 are each amended
2 to read as follows:

3 If any officer fails to comply with the provisions of RCW
4 43.01.050, he or she shall be liable to the state upon his or her
5 official bond in a sum equal to ten percent annual interest on the
6 funds for such time as he or she retained them.

7 **Sec. 5004.** RCW 43.03.011 and 2007 c 524 s 1 are each amended to
8 read as follows:

9 Pursuant to Article XXVIII, section 1 of the state Constitution and
10 RCW 43.03.010 and 43.03.310, the annual salaries of the state elected
11 officials of the executive branch shall be as follows:

- 12 (1) Effective September 1, 2006:
- 13 (a) Governor \$ 150,995
- 14 (b) Lieutenant governor \$ 78,930
- 15 (c) Secretary of state \$ 105,811
- 16 (d) Treasurer \$ 105,811
- 17 (e) Auditor \$ 105,811
- 18 (f) Attorney general \$ 137,268
- 19 (g) Superintendent of public instruction \$ 107,978
- 20 (h) Commissioner of public lands \$ 107,978
- 21 (i) Insurance commissioner \$ 105,811
- 22 (2) Effective September 1, 2007:
- 23 (a) Governor \$ 163,618
- 24 (b) Lieutenant governor \$ 92,106
- 25 (c) Secretary of state \$ 114,657
- 26 (d) Treasurer \$ 114,657
- 27 (e) Auditor \$ 114,657
- 28 (f) Attorney general \$ 148,744
- 29 (g) Superintendent of public instruction \$ 119,234
- 30 (h) Commissioner of public lands \$ 119,234
- 31 (i) Insurance commissioner \$ 114,657
- 32 (3) Effective September 1, 2008:
- 33 (a) Governor \$ 166,891
- 34 (b) Lieutenant governor \$ 93,948
- 35 (c) Secretary of state \$ 116,950
- 36 (d) Treasurer \$ 116,950
- 37 (e) Auditor \$ 116,950

- 1 (f) Attorney general \$ 151,718
- 2 (g) Superintendent of public instruction \$ 121,618
- 3 (h) Commissioner of public lands \$ 121,618
- 4 (i) Insurance commissioner \$ 116,950
- 5 (4) The lieutenant governor shall receive the fixed amount of his
- 6 or her salary plus 1/260th of the difference between his or her salary
- 7 and that of the governor for each day that the lieutenant governor is
- 8 called upon to perform the duties of the governor by reason of the
- 9 absence from the state, removal, resignation, death, or disability of
- 10 the governor.

11 **Sec. 5005.** RCW 43.03.015 and 1967 ex.s. c 100 s 2 are each amended
12 to read as follows:

13 Any person appointed to fill a vacancy that may occur in either the
14 senate or house of representatives of the state legislature, prior to
15 his or her qualification at the next succeeding regular or special
16 session of the legislature shall be entitled to the same emoluments of
17 office as the duly elected member whom he or she succeeded.

18 **Sec. 5006.** RCW 43.03.020 and 1965 c 8 s 43.03.020 are each amended
19 to read as follows:

20 Whenever by reason of the absence from the state or the disability
21 of the governor, the lieutenant governor is called upon temporarily to
22 perform the duties of the office of governor, he or she shall be paid
23 upon his or her personal voucher therefor the sum of ten dollars per
24 day for expenses.

25 **Sec. 5007.** RCW 43.03.030 and 1965 c 8 s 43.03.030 are each amended
26 to read as follows:

27 (1) Wherever the compensation of any appointive state officer or
28 employee is fixed by statute, it may be hereafter increased or
29 decreased in the manner provided by law for the fixing of compensation
30 of other appointive state officers or employees; but this subsection
31 shall not apply to the heads of state departments.

32 (2) Wherever the compensation of any state officer appointed by the
33 governor, or of any employee in any office or department under the
34 control of any such officer, is fixed by statute, such compensation may

1 hereafter, from time to time, be changed by the governor, and he or she
2 shall have power to fix such compensation at any amount not to exceed
3 the amount fixed by statute.

4 **Sec. 5008.** RCW 43.03.110 and 1967 ex.s. c 16 s 1 are each amended
5 to read as follows:

6 Whenever it is reasonably necessary to the successful performance
7 of the required duty of a state office, commission, department or
8 institution to transfer a deputy or other employee from one station to
9 another within the state, thereby necessitating a change of such
10 deputy's or employee's domicile, it shall be lawful for such office,
11 commission, department or institution to move such deputy's or
12 employee's household goods and effects to the new station at the
13 expense of the state, or to defray the actual cost of such removal by
14 common carrier, or otherwise, at the expense of the state, in which
15 latter event reimbursement to the deputy or employee shall be upon
16 voucher submitted by him or her and approved by the department head.

17 **Sec. 5009.** RCW 43.03.120 and 1979 c 151 s 86 are each amended to
18 read as follows:

19 Any state office, commission, department or institution may also
20 pay the moving expenses of a new employee, necessitated by his or her
21 acceptance of state employment, pursuant to mutual agreement with such
22 employee in advance of his or her employment: PROVIDED, That if such
23 employee is in the classified service as defined in chapter 41.06 RCW,
24 that said employee has been duly certified from an eligible register.
25 No such offer or agreement for such payment shall be made to a
26 prospective member of the classified service, prior to such
27 certification, except through appropriate public announcement by the
28 department of personnel, or other corresponding personnel agency as
29 provided by chapter 41.06 RCW. Payment for all expenses authorized by
30 RCW 43.03.060, 43.03.110 through 43.03.210 including moving expenses of
31 new employees, exempt or classified, and others, shall be subject to
32 reasonable regulations promulgated by the director of financial
33 management, including regulations defining allowable moving costs:
34 PROVIDED, That, if the new employee terminates or causes termination of
35 his or her employment with the state within one year of the date of

1 employment, the state shall be entitled to reimbursement for the moving
2 costs which have been paid and may withhold such sum as necessary
3 therefor from any amounts due the employee.

4 **Sec. 5010.** RCW 43.03.170 and 1979 ex.s. c 71 s 1 are each amended
5 to read as follows:

6 The head of any state department may issue an advance warrant on
7 the request of any officer or employee for the purpose of defraying his
8 or her anticipated reimbursable expenses while traveling on business of
9 such state department away from his or her designated post of duty,
10 except expenses in connection with the use of a personal automobile.
11 The amount of such advance shall not exceed the amount of such
12 reasonably anticipated expenses of the officer or employee to be
13 necessarily incurred in the course of such business of the state for a
14 period of not to exceed ninety days. Department heads shall establish
15 written policies prescribing a reasonable amount for which such
16 warrants may be written.

17 **Sec. 5011.** RCW 43.03.180 and 1967 ex.s. c 16 s 9 are each amended
18 to read as follows:

19 On or before the tenth day following each month in which such
20 advance was furnished to the officer or employee, he or she shall
21 submit to the head of his or her department a fully itemized travel
22 expense voucher fully justifying the expenditure of such advance or
23 whatever part thereof has been expended, for legally reimbursable items
24 on behalf of the state. Any unexpended portion of such advance shall
25 be returned to the agency at the close of the authorized travel period.
26 Payment shall accompany such itemized voucher at the close of the
27 travel period; and may be made by check or similar instrument payable
28 to the department. Any default in accounting for or repaying an
29 advance shall render the full amount which is unpaid immediately due
30 and payable with interest at the rate of ten percent per annum from the
31 date of default until paid.

32 **Sec. 5012.** RCW 43.03.200 and 1967 ex.s. c 16 s 11 are each amended
33 to read as follows:

34 An advance made under RCW 43.03.150 through 43.03.210 shall be
35 considered as having been made to such officer or employee to be

1 expended by him or her as an agent of the state for state purposes
2 only, and specifically to defray necessary costs while performing his
3 or her official duties. No such advance shall be considered for any
4 purpose as a loan to such officer or employee, and any unauthorized
5 expenditure of such funds shall be considered a misappropriation of
6 state funds by a custodian of such funds.

7 **Sec. 5013.** RCW 43.06.020 and 1965 c 8 s 43.06.020 are each amended
8 to read as follows:

9 The governor must cause to be kept the following records:

10 First, a register of all pardons, commutations, executive paroles,
11 final discharges, and restorations of citizenship made by him or her;

12 Second, an account of all his or her disbursements of state moneys,
13 and of all rewards offered by him or her for the apprehension of
14 criminals and persons charged with crime;

15 Third, a register of all appointments made by him or her with date
16 of commission, name of appointee and name of predecessor, if any.

17 **Sec. 5014.** RCW 43.06.040 and 1965 c 8 s 43.06.040 are each amended
18 to read as follows:

19 If the governor absents himself or herself from the state, he or
20 she shall, prior to his or her departure, notify the lieutenant
21 governor of his or her proposed absence, and during such absence the
22 lieutenant governor shall perform all the duties of the governor.

23 **Sec. 5015.** RCW 43.06.050 and 1965 c 8 s 43.06.050 are each amended
24 to read as follows:

25 Every provision of law in relation to the powers and duties of the
26 governor, and in relation to acts and duties to be performed by others
27 towards him or her, extends to the person performing for the time being
28 the duties of governor.

29 **Sec. 5016.** RCW 43.06.055 and 1969 ex.s. c 88 s 1 are each amended
30 to read as follows:

31 The legislature preceding the gubernatorial election shall make an
32 appropriation which may only be expended by a newly elected governor
33 other than the incumbent for the purpose of providing office and staff
34 for the governor-elect preparatory to his or her assumption of duties

1 as governor. The funds for the appropriation shall be made available
2 to him or her not later than thirty days prior to the date when the
3 legislature will convene.

4 **Sec. 5017.** RCW 43.06.070 and 1965 c 8 s 43.06.070 are each amended
5 to read as follows:

6 The governor may remove from office any state officer appointed by
7 him or her not liable to impeachment, for incompetency, misconduct, or
8 malfeasance in office.

9 **Sec. 5018.** RCW 43.06.080 and 1965 c 8 s 43.06.080 are each amended
10 to read as follows:

11 Whenever the governor is satisfied that any officer not liable to
12 impeachment has been guilty of misconduct, or malfeasance in office, or
13 is incompetent, he or she shall file with the secretary of state a
14 statement showing his or her reasons, with his or her order of removal,
15 and the secretary of state shall forthwith send a certified copy of
16 such order of removal and statement of causes by registered mail to the
17 last known post office address of the officer in question.

18 **Sec. 5019.** RCW 43.06.090 and 1965 c 8 s 43.06.090 are each amended
19 to read as follows:

20 At the time of making any removal from office, the governor shall
21 appoint some proper person to fill the office, who shall forthwith
22 demand and receive from the officer removed the papers, records, and
23 property of the state pertaining to the office, and shall perform the
24 duties of the office and receive the compensation thereof until his or
25 her successor is appointed.

26 **Sec. 5020.** RCW 43.06.110 and 1971 ex.s. c 177 s 2 are each amended
27 to read as follows:

28 The governor, or his or her designee, is hereby authorized and
29 empowered to undertake such programs as will, in the judgment of the
30 governor, or his or her designee, enable families and individuals of
31 all ages, in rural and urban areas, in need of the skills, knowledge,
32 motivations, and opportunities to become economically self-sufficient
33 to obtain and secure such skills, knowledge, motivations, and
34 opportunities. Such programs may be engaged in as solely state

1 operations, or in conjunction or cooperation with any appropriate
2 agency of the federal government, any branch or agency of the
3 government of this state, any city or town, county, municipal
4 corporation, metropolitan municipal corporation or other political
5 subdivision of the state, or any private corporation. Where compliance
6 with the provisions of federal law or rules or regulations promulgated
7 thereunder is a necessary condition to the receipt of federal funds by
8 the state, the governor or his or her designee, is hereby authorized to
9 comply with such laws, rules or regulations to the extent necessary for
10 the state to cooperate most fully with the federal government in
11 furtherance of the programs herein authorized.

12 **Sec. 5021.** RCW 43.06.120 and 1967 ex.s. c 41 s 1 are each amended
13 to read as follows:

14 The governor is authorized to accept on behalf of the state of
15 Washington funds provided by any act of congress for the benefit of the
16 state or its political subdivisions. He or she is further authorized
17 to administer and disburse such funds, or to designate an agency to
18 administer and disburse them, until the legislature otherwise directs.

19 **Sec. 5022.** RCW 43.06.200 and 1977 ex.s. c 328 s 11 are each
20 amended to read as follows:

21 Unless a different meaning is plainly required by the context, the
22 following words and phrases as hereinafter used in RCW 43.06.010, and
23 43.06.200 through 43.06.270 each as now or hereafter amended shall have
24 the following meaning:

25 "State of emergency" means an emergency proclaimed as such by the
26 governor pursuant to RCW 43.06.010 as now or hereafter amended.

27 "Governor" means the governor of this state or, in case of his or
28 her removal, death, resignation or inability to discharge the powers
29 and duties of his or her office, then the person who may exercise the
30 powers of governor pursuant to the Constitution and laws of this state
31 relating to succession in office.

32 "Criminal offense" means any prohibited act for which any criminal
33 penalty is imposed by law and includes any misdemeanor, gross
34 misdemeanor, or felony.

1 **Sec. 5023.** RCW 43.06.270 and 1969 ex.s. c 186 s 9 are each amended
2 to read as follows:

3 The governor may in his or her discretion order the state militia
4 pursuant to chapter 38.08 RCW or the state patrol to assist local
5 officials to restore order in the area described in the proclamation of
6 a state of emergency.

7 **Sec. 5024.** RCW 43.07.010 and 1965 c 8 s 43.07.010 are each amended
8 to read as follows:

9 The secretary of state must execute an official bond to the state
10 in the sum of ten thousand dollars, conditioned for the faithful
11 performance of the duties of his or her office, and shall receive no
12 pay until such bond, approved by the governor, is filed with the state
13 auditor.

14 **Sec. 5025.** RCW 43.07.020 and 1965 c 8 s 43.07.020 are each amended
15 to read as follows:

16 The secretary of state may have one assistant secretary of state
17 and one deputy secretary of state each of whom shall be appointed by
18 him or her in writing, and continue during his or her pleasure. The
19 assistant secretary of state and deputy secretary of state shall have
20 the power to perform any act or duty relating to the secretary of
21 state's office, that the secretary of state has, and the secretary of
22 state shall be responsible for the acts of said assistant and deputy.

23 **Sec. 5026.** RCW 43.07.030 and 1982 c 35 s 186 are each amended to
24 read as follows:

25 The secretary of state shall:

26 (1) Keep a register of and attest the official acts of the
27 governor;

28 (2) Affix the state seal, with his or her attestation, to
29 commissions, pardons, and other public instruments to which the
30 signature of the governor is required, and also attestations and
31 authentications of certificates and other documents properly issued by
32 the secretary;

33 (3) Record all articles of incorporation, deeds, or other papers
34 filed in the secretary of state's office;

1 (4) Receive and file all the official bonds of officers required to
2 be filed with the secretary of state;

3 (5) Take and file in the secretary of state's office receipts for
4 all books distributed by him or her;

5 (6) Certify to the legislature the election returns for all
6 officers required by the Constitution to be so certified, and certify
7 to the governor the names of all other persons who have received at any
8 election the highest number of votes for any office the incumbent of
9 which is to be commissioned by the governor;

10 (7) Furnish, on demand, to any person paying the fees therefor, a
11 certified copy of all or any part of any law, record, or other
12 instrument filed, deposited, or recorded in the secretary of state's
13 office;

14 (8) Present to the speaker of the house of representatives, at the
15 beginning of each regular session of the legislature during an odd-
16 numbered year, a full account of all purchases made and expenses
17 incurred by the secretary of state on account of the state;

18 (9) File in his or her office an impression of each and every seal
19 in use by any state officer;

20 (~~{(10)}~~) (10) Keep a record of all fees charged or received by
21 the secretary of state.

22 **Sec. 5027.** RCW 43.07.040 and 1965 c 8 s 43.07.040 are each amended
23 to read as follows:

24 The secretary of state is charged with the custody:

25 (1) Of all acts and resolutions passed by the legislature;

26 (2) Of the journals of the legislature;

27 (3) Of the seal of the state;

28 (4) Of all books, records, deeds, parchments, maps, and papers
29 required to be kept on deposit in his or her office pursuant to law;

30 (5) Of the enrolled copy of the Constitution.

31 **Sec. 5028.** RCW 43.07.050 and 1965 c 8 s 43.07.050 are each amended
32 to read as follows:

33 The secretary of state shall be ex officio commissioner of
34 statistics. He or she shall establish within his or her office, and
35 under his or her immediate supervision, a bureau to be known as the
36 bureau of statistics, agriculture and immigration.

1 **Sec. 5029.** RCW 43.07.090 and 1965 c 8 s 43.07.090 are each amended
2 to read as follows:

3 The commissioner shall have the power to send for persons and
4 papers whenever in his or her opinion it is necessary, and he or she
5 may examine witnesses under oath, being hereby qualified to administer
6 the same in the performance of his or her duty, and the testimony so
7 taken must be filed and preserved in his or her office. He or she
8 shall have free access to all places and works of labor, and any
9 principal, owner, operator, manager, or lessee of any mine, factory,
10 workshop, warehouse, manufacturing or mercantile establishment, or any
11 agent or employee of any such principal, owner, operator, manager, or
12 lessee, who shall refuse to the commissioner or his or her duly
13 authorized representative admission therein, or who shall, when
14 requested by him or her, wilfully neglect or refuse to furnish him or
15 her any statistics or information pertaining to his or her lawful
16 duties which may be in the possession or under the control of said
17 principal, owner, operator, lessee, manager, or agent thereof, shall be
18 punished by a fine of not less than fifty nor more than two hundred
19 dollars.

20 **Sec. 5030.** RCW 43.07.110 and 1965 c 8 s 43.07.110 are each amended
21 to read as follows:

22 The commissioner shall appoint a deputy commissioner, who shall act
23 in his or her absence, and the deputy shall receive the sum of twelve
24 hundred dollars per annum to be paid by the state treasurer in the same
25 manner as other state officers are paid; the sum allowed for deputy and
26 other incidental expenses of the bureau shall not exceed the sum of
27 three thousand dollars any one year. The commissioner shall have
28 authority to employ one person to act as immigration agent, which agent
29 shall reside in such city as said commissioner may designate, and he or
30 she shall be provided with such literature and incidental accessories
31 as in his or her judgment may be necessary.

32 **Sec. 5031.** RCW 43.08.010 and 1977 c 75 s 38 are each amended to
33 read as follows:

34 The state treasurer shall:

35 (1) Receive and keep all moneys of the state in the manner provided
36 in RCW 43.88.160, as now or hereafter amended;

1 (2) Disburse the public moneys only upon warrants or checks drawn
2 upon the treasurer in the manner provided by law;

3 (3) Account for moneys in the manner provided by law;

4 (4) Render accounts in the manner provided by law;

5 (5) Indorse on each warrant when required by law, the date of
6 payment, the amount of the principal, and the interest due on that
7 date;

8 (6) Report annually to the legislature a detailed statement of the
9 condition of the treasury, and of its operations for the preceding
10 fiscal year;

11 (7) Give information, in writing, to either house of the
12 legislature, whenever required, upon any subject connected with the
13 treasury, or touching any duty of his or her office;

14 (8) Account for and pay over all moneys on hand to his or her
15 successor in office, and deliver all books, vouchers, and effects of
16 office to him or her, who shall receipt therefor;

17 (9) Upon payment of any warrant, or check, take upon the back
18 thereof the indorsement of the person to whom it is paid.

19 **Sec. 5032.** RCW 43.08.020 and 1972 ex.s. c 12 s 1 are each amended
20 to read as follows:

21 The state treasurer shall reside and keep his or her office at the
22 seat of government. Before entering upon his or her duties, he or she
23 shall execute and deliver to the secretary of state a bond to the state
24 in a sum of not less than five hundred thousand dollars, to be approved
25 by the secretary of state and one of the justices of the supreme court,
26 conditioned to pay all moneys at such times as required by law, and for
27 the faithful performance of all duties required of him or her by law.
28 He or she shall take an oath of office, to be indorsed on his or her
29 commission, and file a copy thereof, together with the bond, in the
30 office of the secretary of state.

31 **Sec. 5033.** RCW 43.08.030 and 1965 c 8 s 43.08.030 are each amended
32 to read as follows:

33 The treasurer shall keep a seal of office for the authentication of
34 all papers, writings, and documents required to be certified by him or
35 her.

1 **Sec. 5034.** RCW 43.08.040 and 1965 c 8 s 43.08.040 are each amended
2 to read as follows:

3 The treasurer may administer all oaths required by law in matters
4 pertaining to the duties of his or her office.

5 **Sec. 5035.** RCW 43.08.050 and 1965 c 8 s 43.08.050 are each amended
6 to read as follows:

7 All the books, papers, letters, and transactions pertaining to the
8 office of treasurer shall be open for the inspection of a committee of
9 the legislature to examine or settle all accounts, and to count all
10 money; and to the inspection of the public generally during office
11 hours; and when the successor of any treasurer is elected and
12 qualified, the state auditor shall examine and settle all the accounts
13 of the treasurer remaining unsettled, and give him or her a certified
14 statement showing the balance of moneys, securities, and effects for
15 which he or she is accountable, which have been delivered to his or her
16 successor, and report the same to the legislature.

17 **Sec. 5036.** RCW 43.08.062 and 1986 c 99 s 1 are each amended to
18 read as follows:

19 Should the payee or legal holder of any warrant drawn against the
20 state treasury fail to present the warrant for payment within one
21 hundred eighty days of the date of its issue or, if registered and
22 drawing interest, within one hundred eighty days of its call, the state
23 treasurer shall enter the same as canceled on the books of his or her
24 office.

25 Should the payee or legal owner of such a canceled warrant
26 thereafter present it for payment, the state treasurer may, upon proper
27 showing by affidavit and the delivery of the warrant into his or her
28 possession, issue a new warrant in lieu thereof, and the state
29 treasurer is authorized to pay the new warrant.

30 **Sec. 5037.** RCW 43.08.066 and 1979 ex.s. c 71 s 4 are each amended
31 to read as follows:

32 Before a duplicate instrument is issued, the state treasurer or
33 other issuing officer shall require the person making application for
34 its issue to file in his or her office a written affidavit specifically
35 alleging on oath that he or she is the proper owner, payee, or legal

1 representative of such owner or payee of the original instrument,
2 giving the date of issue, the number, amount, and for what services or
3 claim or purpose the original instrument or series of instruments of
4 which it is a part was issued, and that the same has been lost or
5 destroyed, and has not been paid, or has not been received by him or
6 her: PROVIDED, That in the event that an original and its duplicate
7 instrument are both presented for payment as a result of forgery or
8 fraud, the issuing officer shall be the state agency responsible for
9 endeavoring to recover any losses suffered by the state.

10 **Sec. 5038.** RCW 43.08.068 and 1965 ex.s. c 61 s 3 are each amended
11 to read as follows:

12 The state treasurer or other issuing officer shall keep a full and
13 complete record of all warrants, bonds or other instruments alleged to
14 have been lost or destroyed, which were issued by such agency, and of
15 the issue of any duplicate therefor; and upon the issuance of any
16 duplicate, the officer shall enter upon his or her books the
17 cancellation of the original instrument and immediately notify the
18 state treasurer, the state auditor, and all trustees and paying agents
19 authorized to redeem such instruments on behalf of the state of
20 Washington, of such cancellation. The treasurer shall keep a similar
21 list of all warrants, bonds or other instruments so canceled.

22 **Sec. 5039.** RCW 43.08.070 and 1981 c 10 s 3 are each amended to
23 read as follows:

24 Upon the presentation of any state warrant to the state treasurer,
25 if there is not sufficient money then available in the appropriate fund
26 with which to redeem all warrants drawn against such fund which the
27 treasurer anticipates will be presented for payment during the current
28 business day, he or she may endorse on the warrant, "Not paid for want
29 of funds," with the day and date of presentation, and the warrant shall
30 draw legal interest from and including that date until five days from
31 and after being called for payment in accordance with RCW 43.08.080, or
32 until paid, whichever occurs first; or, in the alternative, the
33 treasurer may prepare and register a single new warrant, drawn against
34 the appropriate fund, and exchange such new warrant for one or more
35 warrants not paid for want of funds when presented for payment totaling
36 a like amount but not exceeding one million dollars, which new warrant

1 shall then draw legal interest from and including its date of issuance
2 until five days from and after being called for payment in accordance
3 with RCW 43.08.080, or until paid, whichever occurs first. The legal
4 rate or rates of interest on these warrants shall be established by the
5 state treasurer in accordance with RCW 39.56.030.

6 **Sec. 5040.** RCW 43.08.080 and 1971 ex.s. c 88 s 3 are each amended
7 to read as follows:

8 When the state treasurer deems that there is sufficient money in a
9 fund to pay all or part of the registered warrants of such fund, and
10 the warrants are not presented for payment, he or she may advertise at
11 least once in some newspaper published at the seat of government,
12 stating the serial number of the warrants he or she is calling and
13 prepared to pay; and if such warrants are not presented for payment
14 within five days from and after the date of publication of the notice,
15 the warrants shall not then draw any further interest: PROVIDED, That
16 when said fund has a balance in excess of three percent of the
17 preceding monthly warrant issue of said fund, or at any time that the
18 money in the fund exceeds the warrants outstanding, the state treasurer
19 shall similarly advertise a call for all those registered warrants
20 which can be fully paid out of said fund in accordance with their
21 registration sequence.

22 **Sec. 5041.** RCW 43.08.100 and 1965 c 8 s 43.08.100 are each amended
23 to read as follows:

24 The fiscal agent of the state shall receive all moneys due the
25 state from any other state or from the federal government, take all
26 necessary steps for the collection thereof, and apply the same to the
27 funds to which they belong. He or she shall collect from time to time
28 all moneys that may accrue to the state by virtue of section 13 of the
29 enabling act, or from any other source not otherwise provided for by
30 law.

31 **Sec. 5042.** RCW 43.08.120 and 1973 c 10 s 1 are each amended to
32 read as follows:

33 The state treasurer may appoint an assistant state treasurer, who
34 shall have the power to perform any act or duty which may be performed

1 by the state treasurer, and in case of a vacancy in the office of state
2 treasurer, perform the duties of the office until the vacancy is filled
3 as provided by law.

4 The state treasurer may appoint no more than three deputy state
5 treasurers, who shall have the power to perform any act or duty which
6 may be performed by the state treasurer.

7 The assistant state treasurer and the deputy state treasurers shall
8 be exempt from the provisions of chapter 41.06 RCW and shall hold
9 office at the pleasure of the state treasurer; they shall, before
10 entering upon the duties of their office, take and subscribe, and file
11 with the secretary of state, the oath of office provided by law for
12 other state officers.

13 The state treasurer shall be responsible on his or her official
14 bond for all official acts of the assistant state treasurer and the
15 deputy state treasurers.

16 **Sec. 5043.** RCW 43.08.130 and 1972 ex.s. c 145 s 2 are each amended
17 to read as follows:

18 If the state treasurer wilfully refuses to pay except in accordance
19 with the provisions of RCW 43.08.070 or by cash or check any warrant
20 designated as payable in the state treasurer's office which is lawfully
21 drawn upon the state treasury, or knowingly pays any warrant otherwise
22 than as provided by law, then any person injured thereby may recover by
23 action against the treasurer and the sureties on his or her official
24 bond.

25 **Sec. 5044.** RCW 43.08.135 and 1983 c 3 s 100 are each amended to
26 read as follows:

27 The state treasurer shall maintain at all times cash, or demand
28 deposits in qualified public depositories in an amount needed to meet
29 the operational needs of state government: PROVIDED, That the state
30 treasurer shall not be considered in violation of RCW 9A.56.060(1) if
31 he or she maintains demand accounts in public depositories in an amount
32 less than all treasury warrants issued and outstanding.

33 **Sec. 5045.** RCW 43.08.150 and 1977 c 75 s 39 are each amended to
34 read as follows:

1 As soon as possible after the close of each calendar month, the
2 state treasurer shall prepare a report as to the state of the general
3 fund and every other fund under his or her control itemized as to:

4 (1) The amount in the fund at the close of business at the end of
5 the preceding month;

6 (2) The amount of revenue deposited or transferred to the credit of
7 each fund during the current month;

8 (3) The amount of withdrawals or transfers from each fund during
9 the current month; and

10 (4) The amount on hand in each fund at the close of business at the
11 end of the current month.

12 One copy of each report shall be provided promptly to those
13 requesting them so long as the supply lasts.

14 **Sec. 5046.** RCW 43.10.010 and 1973 c 43 s 1 are each amended to
15 read as follows:

16 No person shall be eligible to be attorney general unless he or she
17 is a qualified practitioner of the supreme court of this state.

18 Before entering upon the duties of his or her office, any person
19 elected or appointed attorney general shall take, subscribe, and file
20 the oath of office as required by law; take, subscribe, and file with
21 the secretary of state an oath to comply with the provisions of RCW
22 43.10.115; and execute and file with the secretary of state, a bond to
23 the state, in the sum of five thousand dollars, with sureties to be
24 approved by the governor, conditioned for the faithful performance of
25 his or her duties and the paying over of all moneys, as provided by
26 law.

27 **Sec. 5047.** RCW 43.10.020 and 1965 c 8 s 43.10.020 are each amended
28 to read as follows:

29 If the governor deems any bond filed by the attorney general
30 insufficient, he or she may require an additional bond for any amount
31 not exceeding five thousand dollars.

32 If any attorney general fails to give such additional bond as
33 required by the governor within twenty days after notice in writing of
34 such requirement, his or her office may be declared vacant by the
35 governor and filled as provided by law.

1 **Sec. 5048.** RCW 43.10.030 and 1975 c 40 s 5 are each amended to
2 read as follows:

3 The attorney general shall:

4 (1) Appear for and represent the state before the supreme court or
5 the court of appeals in all cases in which the state is interested;

6 (2) Institute and prosecute all actions and proceedings for, or for
7 the use of the state, which may be necessary in the execution of the
8 duties of any state officer;

9 (3) Defend all actions and proceedings against any state officer or
10 employee acting in his or her official capacity, in any of the courts
11 of this state or the United States;

12 (4) Consult with and advise the several prosecuting attorneys in
13 matters relating to the duties of their office, and when the interests
14 of the state require, he or she shall attend the trial of any person
15 accused of a crime, and assist in the prosecution;

16 (5) Consult with and advise the governor, members of the
17 legislature, and other state officers, and when requested, give written
18 opinions upon all constitutional or legal questions relating to the
19 duties of such officers;

20 (6) Prepare proper drafts of contracts and other instruments
21 relating to subjects in which the state is interested;

22 (7) Give written opinions, when requested by either branch of the
23 legislature, or any committee thereof, upon constitutional or legal
24 questions;

25 (8) Enforce the proper application of funds appropriated for the
26 public institutions of the state, and prosecute corporations for
27 failure or refusal to make the reports required by law;

28 (9) Keep in proper books a record of all cases prosecuted or
29 defended by him or her, on behalf of the state or its officers, and of
30 all proceedings had in relation thereto, and deliver the same to his or
31 her successor in office;

32 (10) Keep books in which he or she shall record all the official
33 opinions given by him or her during his or her term of office, and
34 deliver the same to his or her successor in office;

35 (11) Pay into the state treasury all moneys received by him or her
36 for the use of the state.

1 **Sec. 5049.** RCW 43.10.060 and 1965 c 8 s 43.10.060 are each amended
2 to read as follows:

3 The attorney general may appoint necessary assistants, who shall
4 hold office at his or her pleasure, and who shall have the power to
5 perform any act which the attorney general is authorized by law to
6 perform.

7 **Sec. 5050.** RCW 43.10.080 and 1965 c 8 s 43.10.080 are each amended
8 to read as follows:

9 The attorney general may employ such skilled experts, scientists,
10 technicians, or other specially qualified persons as he or she deems
11 necessary to aid him or her in the preparation or trial of actions or
12 proceedings.

13 **Sec. 5051.** RCW 43.10.090 and 1965 c 8 s 43.10.090 are each amended
14 to read as follows:

15 Upon the written request of the governor, the attorney general
16 shall investigate violations of the criminal laws within this state.

17 If, after such investigation, the attorney general believes that
18 the criminal laws are improperly enforced in any county, and that the
19 prosecuting attorney of the county has failed or neglected to institute
20 and prosecute violations of such criminal laws, either generally or
21 with regard to a specific offense or class of offenses, the attorney
22 general shall direct the prosecuting attorney to take such action in
23 connection with any prosecution as the attorney general determines to
24 be necessary and proper.

25 If any prosecuting attorney, after the receipt of such instructions
26 from the attorney general, fails or neglects to comply therewith within
27 a reasonable time, the attorney general may initiate and prosecute such
28 criminal actions as he or she shall determine. In connection
29 therewith, the attorney general shall have the same powers as would
30 otherwise be vested in the prosecuting attorney.

31 From the time the attorney general has initiated or taken over a
32 criminal prosecution, the prosecuting attorney shall not have power or
33 authority to take any legal steps relating to such prosecution, except
34 as authorized or directed by the attorney general.

1 **Sec. 5052.** RCW 43.10.110 and 1965 c 8 s 43.10.110 are each amended
2 to read as follows:

3 The attorney general shall have the power and it shall be his or
4 her duty to perform any other duties that are, or may from time to time
5 be required of him or her by law.

6 **Sec. 5053.** RCW 43.10.115 and 1973 c 43 s 2 are each amended to
7 read as follows:

8 The attorney general shall not practice law for remuneration in his
9 or her private capacity:

10 (1) As an attorney in any court of this state during his or her
11 continuance in office; or

12 (2) As adviser or advocate for any person who may wish to become
13 his or her client.

14 **Sec. 5054.** RCW 43.10.120 and 1973 c 43 s 3 are each amended to
15 read as follows:

16 No full time deputy or assistant attorney general shall practice
17 law for remuneration in his or her private capacity:

18 (1) As an attorney in any court of this state during his or her
19 continuance in office; or

20 (2) As adviser or advocate for any person who may wish to become
21 his or her client.

22 **Sec. 5055.** RCW 43.10.130 and 1973 c 43 s 5 are each amended to
23 read as follows:

24 None of the provisions of RCW 43.10.010 and 43.10.115 through
25 43.10.125 shall be construed as prohibiting the attorney general or any
26 of his or her full time deputies or assistants from:

27 (1) Performing legal services for himself or herself or his or her
28 immediate family; or

29 (2) Performing legal services of a charitable nature.

30 **Sec. 5056.** RCW 43.10.160 and 1979 c 151 s 94 are each amended to
31 read as follows:

32 The amounts to be disbursed from the legal services revolving fund
33 from time to time shall be transferred thereto by the state treasurer
34 from funds appropriated to any and all agencies for legal services or

1 administrative expenses on a quarterly basis. Agencies operating in
2 whole or in part from nonappropriated funds shall pay into the legal
3 services revolving fund such funds as will fully reimburse funds
4 appropriated to the attorney general for any legal services provided
5 activities financed by nonappropriated funds.

6 The director of financial management shall allot all such funds to
7 the attorney general for the operation of his or her office, pursuant
8 to appropriation, in the same manner as appropriated funds are
9 allocated to other agencies headed by elected officers under chapter
10 43.88 RCW.

11 **Sec. 5057.** RCW 43.10.170 and 1971 ex.s. c 71 s 3 are each amended
12 to read as follows:

13 Disbursements from the legal services revolving fund shall be
14 pursuant to vouchers executed by the attorney general or his or her
15 designee in accordance with the provisions of RCW 43.88.160.

16 **Sec. 5058.** RCW 43.17.030 and 1965 c 8 s 43.17.030 are each amended
17 to read as follows:

18 The directors of the several departments shall exercise such powers
19 and perform such executive and administrative duties as are provided by
20 law.

21 Each appointive officer before entering upon the duties of his or
22 her office shall take and subscribe the oath of office prescribed by
23 law for elective state officers, and file the same in the office of the
24 secretary of state.

25 **Sec. 5059.** RCW 43.17.040 and 1965 c 8 s 43.17.040 are each amended
26 to read as follows:

27 The director of each department may, from time to time, designate
28 and deputize one of the assistant directors of his or her department to
29 act as the chief assistant director, who shall have charge and general
30 supervision of the department in the absence or disability of the
31 director, and who, in case a vacancy occurs in the office of director,
32 shall continue in charge of the department until a director is
33 appointed and qualified, or the governor appoints an acting director.

1 **Sec. 5060.** RCW 43.17.050 and 1965 c 8 s 43.17.050 are each amended
2 to read as follows:

3 Each department shall maintain its principal office at the state
4 capital. The director of each department may, with the approval of the
5 governor, establish and maintain branch offices at other places than
6 the state capital for the conduct of one or more of the functions of
7 his or her department.

8 The governor, in his or her discretion, may require all
9 administrative departments of the state and the appointive officers
10 thereof, other than those created by this chapter, to maintain their
11 principal offices at the state capital in rooms to be furnished by the
12 director of general administration.

13 **Sec. 5061.** RCW 43.17.060 and 1965 c 8 s 43.17.060 are each amended
14 to read as follows:

15 The director of each department may prescribe rules and
16 regulations, not inconsistent with law, for the government of his or
17 her department, the conduct of its subordinate officers and employees,
18 the disposition and performance of its business, and the custody, use,
19 and preservation of the records, papers, books, documents, and property
20 pertaining thereto.

21 **Sec. 5062.** RCW 43.17.100 and 1977 ex.s. c 270 s 7 are each amended
22 to read as follows:

23 Every appointive state officer and employee of the state shall give
24 a surety bond, payable to the state in such sum as shall be deemed
25 necessary by the director of the department of general administration,
26 conditioned for the honesty of the officer or employee and for the
27 accounting of all property of the state that shall come into his or her
28 possession by virtue of his or her office or employment, which bond
29 shall be approved as to form by the attorney general and shall be filed
30 in the office of the secretary of state.

31 The director of general administration may purchase one or more
32 blanket surety bonds for the coverage required in this section.

33 Any bond required by this section shall not be considered an
34 official bond and shall not be subject to chapter 42.08 RCW.

1 **Sec. 5063.** RCW 43.19.180 and 1975-'76 2nd ex.s. c 21 s 1 are each
2 amended to read as follows:

3 The director of general administration shall appoint and deputize
4 an assistant director to be known as the state purchasing and material
5 control director, who shall have charge and supervision of the division
6 of purchasing. In this capacity he or she shall ensure that overall
7 state purchasing and material control policy is implemented by state
8 agencies, including educational institutions, within established time
9 limits.

10 With the approval of the director of general administration, he or
11 she may appoint and employ such assistants and personnel as may be
12 necessary to carry on the work of the division.

13 **Sec. 5064.** RCW 43.19.1915 and 1965 c 8 s 43.19.1915 are each
14 amended to read as follows:

15 When any bid has been accepted, the division of purchasing may
16 require of the successful bidder a bond payable to the state in such
17 amount with such surety or sureties as determined by the division of
18 purchasing, conditioned that he or she will fully, faithfully and
19 accurately execute the terms of the contract into which he or she has
20 entered. The bond shall be filed in the office of the division of
21 purchasing. Bidders who regularly do business with the state shall be
22 permitted to file with the division of purchasing an annual bid bond in
23 an amount established by the division and such annual bid bond shall be
24 acceptable as surety in lieu of furnishing surety with individual bids.

25 **Sec. 5065.** RCW 43.19.1937 and 1995 c 269 s 1405 are each amended
26 to read as follows:

27 No state employee whose duties performed for the state include:

28 (1) Advising on or drawing specifications for supplies, equipment,
29 commodities, or services;

30 (2) Suggesting or determining vendors to be placed upon a bid list;

31 (3) Drawing requisitions for supplies, equipment, commodities, or
32 services;

33 (4) Evaluating specifications or bids and suggesting or determining
34 awards; or

35 (5) Accepting the receipt of supplies, equipment, and commodities
36 or approving the performance of services or contracts;

1 shall accept or receive, directly or indirectly, a personal financial
2 benefit, or accept any gift, token, membership, or service, as a result
3 of a purchase entered into by the state, from any person, firm, or
4 corporation engaged in the sale, lease, or rental of property,
5 material, supplies, equipment, commodities, or services to the state of
6 Washington.

7 Violation of this section shall be considered a malfeasance and may
8 cause loss of position, and the violator shall be liable to the state
9 upon his or her official bond for all damages sustained by the state.
10 Contracts involved may be canceled at the option of the state.
11 Penalties provided in this section are not exclusive, and shall not bar
12 action under any other statute penalizing the same act or omission.

13 **Sec. 5066.** RCW 43.19.200 and 1986 c 158 s 10 are each amended to
14 read as follows:

15 (1) The governing authorities of the state's educational
16 institutions, the elective state officers, the supreme court, the court
17 of appeals, the administrative and other departments of the state
18 government, and all appointive officers of the state, shall prepare
19 estimates of the supplies required for the proper conduct and
20 maintenance of their respective institutions, offices, and departments,
21 covering periods to be fixed by the director, and forward them to the
22 director in accordance with his or her directions. No such
23 authorities, officers, or departments, or any officer or employee
24 thereof, may purchase any article for the use of their institutions,
25 offices, or departments, except in case of emergency purchases as
26 provided in subsection (2) of this section.

27 (2) The authorities, officers, and departments enumerated in
28 subsection (1) of this section may make emergency purchases in response
29 to unforeseen circumstances beyond the control of the agency which
30 present a real, immediate, and extreme threat to the proper performance
31 of essential functions or which may reasonably be expected to result in
32 excessive loss or damage to property, bodily injury, or loss of life.
33 When an emergency purchase is made, the agency head shall submit
34 written notification of the purchase, within three days of the
35 purchase, to the director of general administration. This notification
36 shall contain a description of the purchase, description of the

1 emergency and the circumstances leading up to the emergency, and an
2 explanation of why the circumstances required an emergency purchase.

3 (3) Purchases made for the state's educational institutions, the
4 offices of the elective state officers, the supreme court, the court of
5 appeals, the administrative and other departments of the state
6 government, and the offices of all appointive officers of the state,
7 shall be paid for out of the moneys appropriated for supplies,
8 material, and service of the respective institutions, offices, and
9 departments.

10 (4) The director of general administration shall submit, on an
11 annual basis, the written notifications required by subsection (2) of
12 this section to the director of financial management.

13 **Sec. 5067.** RCW 43.19.595 and 1975 1st ex.s. c 167 s 9 are each
14 amended to read as follows:

15 All passenger motor vehicles, property, facilities, equipment,
16 credits, funds, and all other assets and obligations of the automobile
17 pool and pertaining to passenger motor vehicles currently operated by
18 the department of highways and funded by that portion of the highway
19 equipment fund known as "District No. 8 (Motor Pool)" shall be
20 transferred to the department of general administration on July 1,
21 1975. The director of general administration may accept such property
22 prior thereto if he or she deems it expedient to accomplish an orderly
23 transition.

24 **Sec. 5068.** RCW 43.19.600 and 1982 c 163 s 12 are each amended to
25 read as follows:

26 (1) On or after July 1, 1975, any passenger motor vehicles
27 currently owned or hereafter acquired by any state agency, except
28 vehicles acquired from federal granted funds and over which the federal
29 government retains jurisdiction and control, may be purchased by or
30 transferred to the department of general administration with the
31 consent of the state agency concerned. The director of general
32 administration may accept vehicles subject to the provisions of RCW
33 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 prior to July 1,
34 1975, if he or she deems it expedient to accomplish an orderly
35 transition.

1 (2) The department, in cooperation with the office of financial
2 management, shall study and ascertain current and prospective needs of
3 state agencies for passenger motor vehicles and shall recommend
4 transfer to a state motor pool or other appropriate disposition of any
5 vehicle found not to be required by a state agency.

6 (3) The department shall direct the transfer of passenger motor
7 vehicles from a state agency to a state motor pool or other disposition
8 as appropriate, based on a study under subsection (2) of this section,
9 or after a public hearing held by the department, if a finding is made
10 based on testimony and data therein submitted that the economy,
11 efficiency, or effectiveness of state government would be improved by
12 such a transfer or other disposition of passenger motor vehicles. Any
13 dispute over the accuracy of testimony and data submitted as to the
14 benefits in state governmental economy, efficiency, and effectiveness
15 to be gained by such transfer shall be resolved by the governor or the
16 governor's designee.

17 **Sec. 5069.** RCW 43.19.620 and 1989 c 57 s 7 are each amended to
18 read as follows:

19 The director of general administration, through the supervisor of
20 motor transport, shall adopt, promulgate, and enforce such regulations
21 as may be deemed necessary to accomplish the purpose of RCW 43.19.560
22 through 43.19.630, 43.41.130, and 43.41.140. Such regulations, in
23 addition to other matters, shall provide authority for any agency
24 director or his or her delegate to approve the use on official state
25 business of personally owned or commercially owned rental passenger
26 motor vehicles. Before such an authorization is made, it must first be
27 reasonably determined that state owned passenger vehicles or other
28 suitable transportation is not available at the time or location
29 required or that the use of such other transportation would not be
30 conducive to the economical, efficient, and effective conduct of
31 business.

32 Such regulations shall be consistent with and shall carry out the
33 objectives of the general policies and guidelines adopted by the office
34 of financial management pursuant to RCW 43.41.130.

35 **Sec. 5070.** RCW 43.19.630 and 1989 c 57 s 8 are each amended to
36 read as follows:

1 RCW 43.19.560 through 43.19.620, 43.41.130, and 43.41.140 shall not
2 be construed to prohibit a state officer or employee from using his or
3 her personal motor vehicle on state business and being reimbursed
4 therefor, where permitted under state travel policies, rules, and
5 regulations promulgated by the office of financial management, and
6 where such use is in the interest of economic, efficient, and effective
7 management and performance of official state business.

8 **Sec. 5071.** RCW 43.19.635 and 1975 1st ex.s. c 167 s 17 are each
9 amended to read as follows:

10 (1) The governor, acting through the department of general
11 administration and any other appropriate agency or agencies as he or
12 she may direct, is empowered to utilize all reasonable means for
13 detecting the unauthorized use of state owned motor vehicles, including
14 the execution of agreements with the state patrol for compliance
15 enforcement. Whenever such illegal use is discovered which involves a
16 state employee, the employing agency shall proceed as provided by law
17 to establish the amount, extent, and dollar value of any such use,
18 including an opportunity for notice and hearing for the employee
19 involved. When such illegal use is so established, the agency shall
20 assess its full cost of any mileage illegally used and shall recover
21 such amounts by deductions from salary or allowances due to be paid to
22 the offending official or employee by other means. Recovery of costs
23 by the state under this subsection shall not preclude disciplinary or
24 other action by the appropriate appointing authority or employing
25 agency under subsection (2) of this section.

26 (2) Any wilful and knowing violation of any provision of RCW
27 43.19.560 through 43.19.620, 43.41.130 and 43.41.140 shall subject the
28 state official or employee committing such violation to disciplinary
29 action by the appropriate appointing or employing agency. Such
30 disciplinary action may include, but shall not be limited to,
31 suspension without pay, or termination of employment in the case of
32 repeated violations.

33 (3) Any casual or inadvertent violation of RCW 43.19.560 through
34 43.19.620, 43.41.130 and 43.41.140 may subject the state official or
35 employee committing such violation to disciplinary action by the
36 appropriate appointing authority or employing agency. Such

1 disciplinary action may include, but need not be limited to, suspension
2 without pay.

3 **Sec. 5072.** RCW 43.20.030 and 2006 c 238 s 1 are each amended to
4 read as follows:

5 The state board of health shall be composed of ten members. These
6 shall be the secretary or the secretary's designee and nine other
7 persons to be appointed by the governor, including four persons
8 experienced in matters of health and sanitation, one of whom is a
9 health official from a federally recognized tribe; an elected city
10 official who is a member of a local health board; an elected county
11 official who is a member of a local health board; a local health
12 officer; and two persons representing the consumers of health care.
13 Before appointing the city official, the governor shall consider any
14 recommendations submitted by the association of Washington cities.
15 Before appointing the county official, the governor shall consider any
16 recommendations submitted by the Washington state association of
17 counties. Before appointing the local health officer, the governor
18 shall consider any recommendations submitted by the Washington state
19 association of local public health officials. Before appointing one of
20 the two consumer representatives, the governor shall consider any
21 recommendations submitted by the state council on aging. The
22 ((~~chairman~~)) chair shall be selected by the governor from among the
23 nine appointed members. The department of health shall provide
24 necessary technical staff support to the board. The board may employ
25 an executive director and a confidential secretary, each of whom shall
26 be exempt from the provisions of the state civil service law, chapter
27 41.06 RCW.

28 Members of the board shall be compensated in accordance with RCW
29 43.03.240 and shall be reimbursed for their travel expenses in
30 accordance with RCW 43.03.050 and 43.03.060.

31 **Sec. 5073.** RCW 43.20A.040 and 1970 ex.s. c 18 s 4 are each amended
32 to read as follows:

33 The executive head and appointing authority of the department shall
34 be the secretary of social and health services. He or she shall be
35 appointed by the governor with the consent of the senate, and shall
36 serve at the pleasure of the governor. He or she shall be paid a

1 salary to be fixed by the governor in accordance with the provisions of
2 RCW 43.03.040. If a vacancy occurs in his or her position while the
3 senate is not in session, the governor shall make a temporary
4 appointment until the next meeting of the senate, when he or she shall
5 present to that body his or her nomination for the office.

6 **Sec. 5074.** RCW 43.20A.110 and 1970 ex.s. c 18 s 9 are each amended
7 to read as follows:

8 The secretary may delegate any power or duty vested in or
9 transferred to him or her by law, or executive order, to his or her
10 deputy secretary or to any other assistant or subordinate; but the
11 secretary shall be responsible for the official acts of the officers
12 and employees of the department.

13 **Sec. 5075.** RCW 43.20A.310 and 1979 c 141 s 65 are each amended to
14 read as follows:

15 In addition to his or her other powers and duties, the secretary or
16 his or her designee, shall have the following powers and duties:

17 (1) To prepare, adopt and certify the state plan for vocational
18 rehabilitation;

19 (2) With respect to vocational rehabilitation, to adopt necessary
20 rules and regulations and do such other acts not forbidden by law
21 necessary to carry out the duties imposed by state law and the federal
22 acts;

23 (3) To carry out the aims and purposes of the acts of congress
24 pertaining to vocational rehabilitation.

25 **Sec. 5076.** RCW 43.20A.320 and 1970 ex.s. c 18 s 43 are each
26 amended to read as follows:

27 The secretary or his or her designee shall consult with the
28 coordinating council for occupational education in order to maintain
29 close contact with developing programs of vocational education,
30 particularly as such programs may affect programs undertaken in
31 connection with vocational rehabilitation.

32 **Sec. 5077.** RCW 43.20A.415 and 1971 ex.s. c 309 s 4 are each
33 amended to read as follows:

1 When, pursuant to RCW 43.20A.400 through 43.20A.430, the secretary
2 elects to purchase a service or services, he or she shall retain
3 continuing basic responsibility for:

4 (1) Determining the eligibility of individuals for services;

5 (2) The selection, quality, effectiveness, and execution of a plan
6 or program of services suited to the need of an individual or of a
7 group of individuals; and

8 (3) Measuring the cost effectiveness of purchase of services.

9 **Sec. 5078.** RCW 43.20A.605 and 1989 c 175 s 97 are each amended to
10 read as follows:

11 (1) The secretary shall have full authority to administer oaths and
12 take testimony thereunder, to issue subpoenas requiring the attendance
13 of witnesses before him or her together with all books, memoranda,
14 papers, and other documents, articles or instruments, and to compel the
15 disclosure by such witnesses of all facts known to them relative to the
16 matters under investigation.

17 (2) Subpoenas issued in adjudicative proceedings are governed by
18 RCW 34.05.588(1).

19 (3) Subpoenas issued in the conduct of investigations required or
20 authorized by other statutory provisions or necessary in the
21 enforcement of other statutory provisions shall be governed by RCW
22 34.05.588(2).

23 **Sec. 5079.** RCW 43.20A.635 and 1979 c 141 s 52 are each amended to
24 read as follows:

25 It shall be the duty of the secretary of social and health services
26 and he or she shall have the power to establish and administer a
27 program of services for children who are crippled or who are suffering
28 from physical conditions which lead to crippling, which shall provide
29 for developing, extending, and improving services for locating such
30 children, and for providing for medical, surgical, corrective, and
31 other services and care, and facilities for diagnosis, hospitalization,
32 and after care; to supervise the administration of those services,
33 included in the program, which are not administered directly by it; to
34 extend and improve any such services, including those in existence on
35 April 1, 1941; to cooperate with medical, health, nursing, and welfare
36 groups and organizations, and with any agency of the state charged with

1 the administration of laws providing for vocational rehabilitation of
2 physically handicapped children; to cooperate with the federal
3 government, through its appropriate agency or instrumentality in
4 developing, extending, and improving such services; and to receive and
5 expend all funds made available to the department by the federal
6 government, the state or its political subdivisions or from other
7 sources, for such purposes.

8 **Sec. 5080.** RCW 43.20A.660 and 1989 1st ex.s. c 9 s 215 are each
9 amended to read as follows:

10 (1) It shall be the duty of each assistant attorney general,
11 prosecuting attorney, or city attorney to whom the secretary reports
12 any violation of chapter 43.20A RCW, or regulations promulgated
13 thereunder, to cause appropriate proceedings to be instituted in the
14 proper courts, without delay, and to be duly prosecuted as prescribed
15 by law.

16 (2) Before any violation of chapter 43.20A RCW is reported by the
17 secretary to the prosecuting attorney for the institution of a criminal
18 proceeding, the person against whom such proceeding is contemplated
19 shall be given appropriate notice and an opportunity to present his or
20 her views to the secretary, either orally or in writing, with regard to
21 such contemplated proceeding.

22 **Sec. 5081.** RCW 43.21A.050 and 1970 ex.s. c 62 s 5 are each amended
23 to read as follows:

24 The executive and administrative head of the department shall be
25 the director. The director shall be appointed by the governor with the
26 consent of the senate. He or she shall have complete charge of and
27 supervisory powers over the department. He or she shall be paid a
28 salary fixed by the governor in accordance with the provisions of RCW
29 43.03.040. If a vacancy occurs in the position of director while the
30 senate is not in session, the governor shall make a temporary
31 appointment until the next meeting of the senate at which time he or
32 she shall present to that body his or her nomination for the position.

33 **Sec. 5082.** RCW 43.21A.067 and 1987 c 109 s 27 are each amended to
34 read as follows:

1 The director of ecology may create within his or her department a
2 fund to be known as the "basic data fund."

3 Into such fund shall be deposited all moneys contributed by persons
4 for stream flow, groundwater and water quality data or other
5 hydrographic information furnished by the department in cooperation
6 with the United States geological survey, and the fund shall be
7 expended on a matching basis with the United States geological survey
8 for the purpose of obtaining additional basic information needed for an
9 intelligent inventory of water resources in the state.

10 Disbursements from the basic data fund shall be on vouchers
11 approved by the department and the district engineer of the United
12 States geological survey.

13 **Sec. 5083.** RCW 43.21A.090 and 1970 ex.s. c 62 s 9 are each amended
14 to read as follows:

15 All powers, duties and functions transferred to the department by
16 the terms of chapter 62, Laws of 1970 ex. sess. shall be performed by
17 the director: PROVIDED, That the director may delegate, by appropriate
18 rule or regulation, the performance of such of his or her powers,
19 duties, and functions, other than those relating to the adoption,
20 amendment or rescission of rules and regulations, to employees of the
21 department whenever it appears desirable in fulfilling the policy and
22 purposes of this chapter.

23 **Sec. 5084.** RCW 43.21A.100 and 1970 ex.s. c 62 s 10 are each
24 amended to read as follows:

25 In order to obtain maximum efficiency and effectiveness within the
26 department, the director may create such administrative divisions
27 within the department as he or she deems necessary. The director shall
28 appoint a deputy director as well as such assistant directors as shall
29 be needed to administer the several divisions within the department.
30 The deputy director shall have charge and general supervision of the
31 department in the absence or disability of the director. In the case
32 of a vacancy in the office of director, the deputy director shall
33 administer the department until the governor appoints a successor to
34 the director or an acting director. The officers appointed under this
35 section and exempt from the provisions of the state civil service law
36 as provided in RCW 41.06.073, shall be paid salaries to be fixed by the

1 governor in accordance with the procedure established by law for the
2 fixing of salaries for officers exempt from the operation of the state
3 civil service law.

4 **Sec. 5085.** RCW 43.21A.140 and 1979 c 141 s 67 are each amended to
5 read as follows:

6 The director in carrying out his or her powers and duties under
7 this chapter shall consult with the department of social and health
8 services and the state board of health, or their successors, insofar as
9 necessary to assure that those agencies concerned with the preservation
10 of life and health may integrate their efforts to the fullest extent
11 possible and endorse policies in common.

12 **Sec. 5086.** RCW 43.21A.600 and 1988 c 127 s 8 are each amended to
13 read as follows:

14 The department shall make studies and surveys, collect, compile and
15 disseminate information and statistics to facilitate development of the
16 electric power resources of the state by public utility districts,
17 municipalities, electric cooperatives, joint operating agencies and
18 public utility companies. The director may cause studies to be made
19 relating to the construction of steam generating plants using any
20 available fuel and their integration with hydro-electric facilities.
21 He or she may cause designs for any such plant to be prepared. He or
22 she shall employ such engineers and other experts and assistants as may
23 be necessary to carry out his or her power resources functions.

24 **Sec. 5087.** RCW 43.21A.605 and 1988 c 127 s 9 are each amended to
25 read as follows:

26 The director may represent the state and aid and assist the public
27 utilities therein to the end that its resources shall be properly
28 developed in the public interest insofar as they affect electric power
29 and to this end he or she shall cooperate and may negotiate with
30 Canada, the United States, the states thereof and their agencies to
31 develop and integrate the resources of the region.

32 **Sec. 5088.** RCW 43.21A.610 and 1988 c 127 s 10 are each amended to
33 read as follows:

34 The director shall continue the study of the state power commission

1 made in 1956 relating to the construction of a steam power electric
2 generating plant, and if the construction of a steam electric
3 generating plant is found to be feasible by the director, the director
4 may construct such plant at a site determined by him or her to be
5 feasible and operate it as a state owned facility.

6 **Sec. 5089.** RCW 43.21A.620 and 1988 c 127 s 15 are each amended to
7 read as follows:

8 For the purposes provided for in RCW 43.21A.610 through 43.21A.642,
9 the state finance committee shall, upon being notified to do so by the
10 director, issue revenue bonds or warrants payable from the revenues
11 from the steam electric plant provided for in RCW 43.21A.610. When the
12 director deems it advisable that he or she acquire or construct said
13 steam electric plant or make additions or betterments thereto, he or
14 she shall so notify the state finance committee and he or she shall
15 also notify the state finance committee as to the plan proposed,
16 together with the estimated cost thereof. The state finance committee,
17 upon receiving such notice, shall provide for the construction thereof
18 and the issuance of revenue bonds or warrants therefor by a resolution
19 which shall specify and adopt the system or plan proposed, and declare
20 the estimated cost thereof, as nearly as may be, including as part of
21 the cost, funds necessary for working capital for the operation of such
22 utility and the payment of the expenses incurred in the acquisition or
23 construction thereof. Such resolution shall specify that utility
24 revenue bonds are to be issued to defray the cost thereof and the
25 amount of such bonds to be issued. Bonds issued under the provisions
26 of RCW 43.21A.610 through 43.21A.642 shall distinctly state that they
27 are not a general obligation of the state.

28 **Sec. 5090.** RCW 43.21A.630 and 1965 c 8 s 43.21.350 are each
29 amended to read as follows:

30 Prior to the issuance and delivery of any revenue bonds, such bonds
31 and a certified copy of the resolution authorizing them shall be
32 delivered to the state auditor together with any additional information
33 that he or she may require. When the bonds have been examined they
34 shall be registered by the auditor in books to be kept by him or her
35 for that purpose, and a certificate of registration shall be endorsed
36 upon each bond and signed by the auditor or a deputy appointed by him

1 or her for the purpose. The bonds shall then be prima facie valid and
2 binding obligations of the state finance committee in accordance with
3 their terms, notwithstanding any defects or irregularities in the
4 authorization and issuance of the bonds, or in the sale, execution or
5 delivery thereof.

6 **Sec. 5091.** RCW 43.21B.020 and 1970 ex.s. c 62 s 32 are each
7 amended to read as follows:

8 The hearings board shall consist of three members qualified by
9 experience or training in pertinent matters pertaining to the
10 environment, and at least one member of the hearings board shall have
11 been admitted to practice law in this state and engaged in the legal
12 profession at the time of his or her appointment. The hearings board
13 shall be appointed by the governor with the advice and consent of the
14 senate, and no more than two of whom at the time of appointment or
15 during their term shall be members of the same political party.

16 **Sec. 5092.** RCW 43.21B.050 and 1975-'76 2nd ex.s. c 34 s 101 are
17 each amended to read as follows:

18 The hearings board shall operate on either a part time or a full
19 time basis, as determined by the governor. If it is determined that
20 the hearings board shall operate on a full time basis, each member of
21 the hearings board shall receive an annual salary to be determined by
22 the governor pursuant to RCW 43.03.040. If it is determined the
23 hearings board shall operate on a part time basis, each member of the
24 hearings board shall receive compensation on the basis of seventy-five
25 dollars for each day spent in performance of his or her duties but such
26 compensation shall not exceed ten thousand dollars in a fiscal year.
27 Each hearings board member shall receive reimbursement for travel
28 expenses incurred in the discharge of his or her duties in accordance
29 with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

30 **Sec. 5093.** RCW 43.21B.060 and 1970 ex.s. c 62 s 36 are each
31 amended to read as follows:

32 Each member of the hearings board: (1) Shall not be a candidate
33 for nor hold any other public office or trust, and shall not engage in
34 any occupation or business interfering with or inconsistent with his or
35 her duty as a member of the hearings board, nor shall he or she serve

1 on or under any committee of any political party; and (2) shall not for
2 a period of one year after the termination of his or her membership on
3 the hearings board, act in a representative capacity before the
4 hearings board on any matter.

5 **Sec. 5094.** RCW 43.21B.080 and 1970 ex.s. c 62 s 38 are each
6 amended to read as follows:

7 The hearings board shall as soon as practicable after the initial
8 appointment of the members thereof, meet and elect from among its
9 members a (~~chairman~~) chair, and shall at least biennially thereafter
10 meet and elect such a (~~chairman~~) chair.

11 **Sec. 5095.** RCW 43.21C.010 and 1971 ex.s. c 109 s 1 are each
12 amended to read as follows:

13 The purposes of this chapter are: (1) To declare a state policy
14 which will encourage productive and enjoyable harmony between (~~man~~)
15 humankind and (~~his~~) the environment; (2) to promote efforts which
16 will prevent or eliminate damage to the environment and biosphere; (3)
17 and stimulate the health and welfare of (~~man~~) human beings; and (4)
18 to enrich the understanding of the ecological systems and natural
19 resources important to the state and nation.

20 **Sec. 5096.** RCW 43.21C.020 and 1971 ex.s. c 109 s 2 are each
21 amended to read as follows:

22 (1) The legislature, recognizing that (~~man~~) a human being depends
23 on (~~his~~) biological and physical surroundings for food, shelter, and
24 other needs, and for cultural enrichment as well; and recognizing
25 further the profound impact of (~~man's~~) a human being's activity on
26 the interrelations of all components of the natural environment,
27 particularly the profound influences of population growth, high-density
28 urbanization, industrial expansion, resource utilization and
29 exploitation, and new and expanding technological advances and
30 recognizing further the critical importance of restoring and
31 maintaining environmental quality to the overall welfare and
32 development of (~~man~~) human beings, declares that it is the continuing
33 policy of the state of Washington, in cooperation with federal and
34 local governments, and other concerned public and private
35 organizations, to use all practicable means and measures, including

1 financial and technical assistance, in a manner calculated to: (a)
2 Foster and promote the general welfare; (b) (~~to~~) create and maintain
3 conditions under which (~~man~~) human beings and nature can exist in
4 productive harmony; and (c) fulfill the social, economic, and other
5 requirements of present and future generations of Washington citizens.

6 (2) In order to carry out the policy set forth in this chapter, it
7 is the continuing responsibility of the state of Washington and all
8 agencies of the state to use all practicable means, consistent with
9 other essential considerations of state policy, to improve and
10 coordinate plans, functions, programs, and resources to the end that
11 the state and its citizens may:

12 (a) Fulfill the responsibilities of each generation as trustee of
13 the environment for succeeding generations;

14 (b) Assure for all people of Washington safe, healthful,
15 productive, and aesthetically and culturally pleasing surroundings;

16 (c) Attain the widest range of beneficial uses of the environment
17 without degradation, risk to health or safety, or other undesirable and
18 unintended consequences;

19 (d) Preserve important historic, cultural, and natural aspects of
20 our national heritage;

21 (e) Maintain, wherever possible, an environment which supports
22 diversity and variety of individual choice;

23 (f) Achieve a balance between population and resource use which
24 will permit high standards of living and a wide sharing of life's
25 amenities; and

26 (g) Enhance the quality of renewable resources and approach the
27 maximum attainable recycling of depletable resources.

28 (3) The legislature recognizes that each person has a fundamental
29 and inalienable right to a healthful environment and that each person
30 has a responsibility to contribute to the preservation and enhancement
31 of the environment.

32 **Sec. 5097.** RCW 43.21E.010 and 1975 1st ex.s. c 44 s 1 are each
33 amended to read as follows:

34 Within thirty days of May 15, 1975 the director of the Washington
35 state department of ecology shall appoint a grass burning research
36 advisory committee consisting of five voting members.

1 Two members shall be grass growers selected from the area of the
2 state east of the Cascade mountain range, one representing irrigated
3 and one representing dryland growing areas. One member shall be a
4 grass grower selected from the area of the state west of the Cascade
5 mountain range. One member shall be a representative of the Washington
6 state department of agriculture, and one member shall represent the
7 public, and may be selected at large. The committee shall select its
8 own ((~~chairman~~)) chair. The state department of ecology shall provide
9 an ex officio, nonvoting member to the committee to act as secretary.

10 **Sec. 5098.** RCW 43.21F.405 and 1969 c 9 s 2 are each amended to
11 read as follows:

12 The board member from Washington shall be appointed by and shall
13 serve at the pleasure of the governor. The board member may designate
14 another person as his or her representative to attend meetings of the
15 board.

16 **Sec. 5099.** RCW 43.21G.080 and 1977 ex.s. c 328 s 8 are each
17 amended to read as follows:

18 The governor may order any distributor to take such action on his
19 or her behalf as may be required to implement orders issued pursuant to
20 this chapter as now or hereafter amended: PROVIDED, That orders to
21 regulated distributors shall be issued by the Washington utilities and
22 transportation commission in conformance with orders of the governor.
23 No distributor shall be liable for actions taken in accordance with
24 such orders issued by the governor or the Washington utilities and
25 transportation commission.

26 All allocations of energy from one distributor to another
27 distributor pursuant to orders issued or as a result of actions taken
28 under this chapter as now or hereafter amended are subject to fair and
29 just reimbursement. Such reimbursement for any allocation of energy
30 between regulated distributors shall be subject to the approval of the
31 Washington utilities and transportation commission. A distributor is
32 authorized to enter into agreements with another distributor for the
33 purpose of determining financial or commodity reimbursement.

34 **Sec. 5100.** RCW 43.22.310 and 1965 c 8 s 43.22.310 are each amended
35 to read as follows:

1 The director or any employee of the department of labor and
2 industries may enter any factory, mill, office, workshop, or public or
3 private works at any time for the purpose of gathering facts and
4 statistics as provided by this chapter, and examine into the methods of
5 protection from danger to employees, and the sanitary conditions in and
6 around such buildings and places and make a record thereof, and any
7 owner or occupant of such factory, mill, office or workshop, or public
8 or private works, or his or her agent who refuses to allow an inspector
9 or employee of the department to enter, shall be guilty of a
10 misdemeanor, and, upon conviction thereof, shall be punished by a fine
11 of not less than twenty-five dollars nor more than one hundred dollars,
12 or be imprisoned in the county jail not to exceed ninety days.

13 **Sec. 5101.** RCW 43.22.400 and 1995 c 280 s 11 are each amended to
14 read as follows:

15 If the director of the department of labor and industries
16 determines that the standards for body and frame design, construction
17 and the plumbing, heating and electrical equipment installed in mobile
18 homes, commercial coaches, recreational vehicles, and/or park trailers
19 by the statutes or rules and regulations of other states are at least
20 equal to the standards prescribed by this state, he or she may so
21 provide by regulation. Any mobile home, commercial coach, recreational
22 vehicle, and/or park trailer which a state listed in such regulations
23 has approved as meeting its standards for body and frame design,
24 construction and plumbing, heating and electrical equipment shall be
25 deemed to meet the standards of the director of the department of labor
26 and industries, if he or she determines that the standards of such
27 state are actually being enforced.

28 **Sec. 5102.** RCW 43.22.485 and 1973 1st ex.s. c 22 s 6 are each
29 amended to read as follows:

30 If the director of the department determines that the standards for
31 factory built housing or factory built commercial structures prescribed
32 by statute, rule or regulation of another state are at least equal to
33 the regulations prescribed under RCW 43.22.450 through 43.22.490, and
34 that such standards are actually enforced by such other state, he or
35 she may provide by regulation that factory built housing or factory

1 built commercial structures approved by such other state shall be
2 deemed to have been approved by the department.

3 **Sec. 5103.** RCW 43.23.015 and 1983 c 248 s 4 are each amended to
4 read as follows:

5 Except for the functions specified in RCW 43.23.070, the director
6 may, at his or her discretion, reassign any of the functions delegated
7 to the various divisions of the department under the provisions of this
8 chapter or any other law to any other division of the department.

9 **Sec. 5104.** RCW 43.23.090 and 1983 c 248 s 8 are each amended to
10 read as follows:

11 The director of agriculture shall exercise all powers and perform
12 all duties prescribed by law with respect to the inspection of foods,
13 food products, drinks, milk and milk products, and dairies and dairy
14 products and the components thereof.

15 He or she shall enforce and supervise the administration of all
16 laws relating to foods, food products, drinks, milk and milk products,
17 dairies and dairy products, and their inspection, manufacture, and
18 sale.

19 **Sec. 5105.** RCW 43.23.110 and 1983 c 248 s 9 are each amended to
20 read as follows:

21 The director of agriculture shall exercise all powers and perform
22 all duties prescribed by law with respect to grains, grain and hay
23 products, grain and terminal warehouses, commercial feeds, commercial
24 fertilizers, and chemical pesticides.

25 He or she shall enforce and supervise the administration of all
26 laws relating to grains, grain and hay products, grain and terminal
27 warehouses, commercial feeds, commercial fertilizers, and chemical
28 pesticides.

29 **Sec. 5106.** RCW 43.23.120 and 1977 c 75 s 50 are each amended to
30 read as follows:

31 The director of agriculture may publish and distribute bulletins
32 and reports embodying information upon the subjects of agriculture,
33 horticulture, livestock, dairying, foods and drugs, and other matters
34 pertaining to his or her department.

1 **Sec. 5107.** RCW 43.23.130 and 1977 c 75 s 51 are each amended to
2 read as follows:

3 The director of agriculture shall make an annual report to the
4 governor containing an account of all matters pertaining to his or her
5 department and its administration.

6 **Sec. 5108.** RCW 43.23.160 and 1983 c 248 s 10 are each amended to
7 read as follows:

8 The director of agriculture shall exercise all the powers and
9 perform all the duties prescribed by law relating to commission
10 merchants, livestock identification, livestock brand registration and
11 inspection. All officers appointed to enforce these laws who have
12 successfully completed a course of training prescribed by the
13 Washington state criminal justice training commission shall have the
14 authority generally vested in a peace officer solely for the purpose of
15 enforcing these laws.

16 He or she shall enforce and supervise the administration of all
17 laws relating to commission merchants, livestock identification and
18 shall have the power to enforce all laws relating to any division under
19 the supervision of the director of agriculture.

20 **Sec. 5109.** RCW 43.24.090 and 1965 c 8 s 43.24.090 are each amended
21 to read as follows:

22 Any person taking any written examination prescribed or authorized
23 by law, for a license or permit to practice any trade, occupation, or
24 profession, who, because of any handicap, is unable to write the
25 examination himself or herself, may dictate it to and have it written
26 or typed by another, to the same effect as though the examination were
27 written out by himself or herself. Any expense connected therewith
28 shall be borne by the person taking the examination.

29 **Sec. 5110.** RCW 43.24.115 and 1965 c 100 s 6 are each amended to
30 read as follows:

31 The director may deputize one or more of his or her assistants to
32 perform his or her duties with reference to refusal, revocation or
33 suspension of licenses, including the power to preside at hearings and
34 to render decisions therein subject to the approval of the director.

1 **Sec. 5111.** RCW 43.27A.190 and 1987 c 109 s 11 are each amended to
2 read as follows:

3 Notwithstanding and in addition to any other powers granted to the
4 department of ecology, whenever it appears to the department that a
5 person is violating or is about to violate any of the provisions of the
6 following:

7 (1) Chapter 90.03 RCW; or

8 (2) Chapter 90.44 RCW; or

9 (3) Chapter 86.16 RCW; or

10 (4) Chapter 43.37 RCW; or

11 (5) Chapter 43.27A RCW; or

12 (6) Any other law relating to water resources administered by the
13 department; or

14 (7) A rule or regulation adopted, or a directive or order issued by
15 the department relating to subsections (1) through (6) of this section;
16 the department may cause a written regulatory order to be served upon
17 said person either personally, or by registered or certified mail
18 delivered to addressee only with return receipt requested and
19 acknowledged by him or her. The order shall specify the provision of
20 the statute, rule, regulation, directive or order alleged to be or
21 about to be violated, and the facts upon which the conclusion of
22 violating or potential violation is based, and shall order the act
23 constituting the violation or the potential violation to cease and
24 desist or, in appropriate cases, shall order necessary corrective
25 action to be taken with regard to such acts within a specific and
26 reasonable time. The regulation of a headgate or controlling works as
27 provided in RCW 90.03.070, by a watermaster, stream (~~patrolman~~)
28 patrol officer, or other person so authorized by the department shall
29 constitute a regulatory order within the meaning of this section. A
30 regulatory order issued hereunder shall become effective immediately
31 upon receipt by the person to whom the order is directed, except for
32 regulations under RCW 90.03.070 which shall become effective when a
33 written notice is attached as provided therein. Any person aggrieved
34 by such order may appeal the order pursuant to RCW 43.21B.310.

35 **Sec. 5112.** RCW 43.33.040 and 1965 c 8 s 43.33.040 are each amended
36 to read as follows:

1 The state finance committee may make appropriate rules and
2 regulations for the performance of its duties. The state treasurer
3 shall act as (~~chairman~~) chair of the committee.

4 **Sec. 5113.** RCW 43.37.050 and 1973 c 64 s 4 are each amended to
5 read as follows:

6 In the case of hearings pursuant to RCW 43.37.180 the department
7 shall, and in other cases may, cause a record of the proceedings to be
8 taken and filed with the department, together with its findings and
9 conclusions. For any hearing, the director of the department or a
10 representative designated by him or her is authorized to administer
11 oaths and affirmations, examine witnesses, and issue, in the name of
12 the department, notice of the hearing or subpoenas requiring any person
13 to appear and testify, or to appear and produce documents, or both, at
14 any designated place.

15 **Sec. 5114.** RCW 43.37.120 and 1973 c 64 s 10 are each amended to
16 read as follows:

17 A separate permit shall be issued for each operation. Prior to
18 undertaking any weather modification and control activities the
19 licensee shall file with the department and also cause to be published
20 a notice of intention. The licensee, if a permit is issued, shall
21 confine his or her activities for the permitted operation within the
22 time and area limits set forth in the notice of intention, unless
23 modified by the department; and his or her activities shall also
24 conform to any conditions imposed by the department upon the issuance
25 of the permit or to the terms of the permit as modified after issuance.

26 **Sec. 5115.** RCW 43.37.150 and 1973 c 64 s 12 are each amended to
27 read as follows:

28 Proof of financial responsibility may be furnished by an applicant
29 by his or her showing, to the satisfaction of the department, his or
30 her ability to respond in damages for liability which might reasonably
31 be attached to or result from his or her weather modification and
32 control activities in connection with the operation for which he or she
33 seeks a permit.

1 **Sec. 5116.** RCW 43.37.160 and 1973 c 64 s 13 are each amended to
2 read as follows:

3 The fee to be paid by each applicant for a permit shall be
4 equivalent to one and one-half percent of the estimated cost of such
5 operation, the estimated cost to be computed by the department from the
6 evidence available to it. The fee is due and payable to the department
7 as of the date of the issuance of the permit; however, if the applicant
8 is able to give to the department satisfactory security for the payment
9 of the balance, he or she may be permitted to commence the operation,
10 and a permit may be issued therefor, upon the payment of not less than
11 fifty percent of the fee. The balance due shall be paid within three
12 months from the date of the termination of the operation as prescribed
13 in the permit. Failure to pay a permit fee as required shall be
14 grounds for suspension or revocation of the license of the delinquent
15 permit holder and grounds for refusal to renew his or her license or to
16 issue any further permits to such person.

17 **Sec. 5117.** RCW 43.37.170 and 1973 c 64 s 14 are each amended to
18 read as follows:

19 (1) Every licensee shall keep and maintain a record of all
20 operations conducted by him or her pursuant to his or her license and
21 each permit, showing the method employed, the type of equipment used,
22 materials and amounts thereof used, the times and places of operation
23 of the equipment, the name and post office address of each individual
24 participating or assisting in the operation other than the licensee,
25 and such other general information as may be required by the department
26 and shall report the same to the department at the time and in the
27 manner required.

28 (2) The department shall require written reports in such manner as
29 it provides but not inconsistent with the provisions of this chapter,
30 covering each operation for which a permit is issued. Further, the
31 department shall require written reports from such organizations as are
32 exempted from license, permit, and liability requirements as provided
33 in RCW 43.37.090.

34 (3) The reports and records in the custody of the department shall
35 be open for public examination.

1 **Sec. 5118.** RCW 43.41.060 and 1979 c 151 s 112 are each amended to
2 read as follows:

3 The executive head of the office of financial management shall be
4 the director, who shall be appointed by the governor with the consent
5 of the senate, and who shall serve at the pleasure of the governor. He
6 or she shall be paid a salary to be fixed by the governor in accordance
7 with the provisions of RCW 43.03.040. If a vacancy occurs in his or
8 her position while the senate is not in session, the governor shall
9 make a temporary appointment until the next meeting of the senate, when
10 he or she shall present to that body his or her nomination for the
11 office. The director may delegate such of his or her powers, duties
12 and functions to other officers and employees of the department as he
13 or she may deem necessary to the fulfillment of the purposes of this
14 chapter.

15 **Sec. 5119.** RCW 43.41.100 and 1979 c 151 s 114 are each amended to
16 read as follows:

17 The director of financial management shall:

18 (1) Supervise and administer the activities of the office of
19 financial management.

20 (2) Exercise all the powers and perform all the duties prescribed
21 by law with respect to the administration of the state budget and
22 accounting system.

23 (3) Advise the governor and the legislature with respect to matters
24 affecting program management and planning.

25 (4) Make efficiency surveys of all state departments and
26 institutions, and the administrative and business methods pursued
27 therein, examine into the physical needs and industrial activities
28 thereof, and make confidential reports to the governor, recommending
29 necessary betterments, repairs, and the installation of improved and
30 more economical administrative methods, and advising such action as
31 will result in a greater measure of self-support and remedies for
32 inefficient functioning.

33 The director may enter into contracts on behalf of the state to
34 carry out the purposes of this chapter; he or she may act for the state
35 in the initiation of or participation in any multi-governmental agency
36 program relative to the purposes of this chapter; and he or she may

1 accept gifts and grants, whether such grants be of federal or other
2 funds.

3 **Sec. 5120.** RCW 43.41.106 and 1979 c 151 s 117 are each amended to
4 read as follows:

5 The director of financial management may, in his or her discretion,
6 require any person presenting an account for settlement to be sworn
7 before him or her, and to answer, orally or in writing, as to any facts
8 relating to it.

9 **Sec. 5121.** RCW 43.41.360 and 1975 c 40 s 13 are each amended to
10 read as follows:

11 In addition to other powers and duties prescribed by this chapter,
12 the director shall:

13 (1) Fix the amount of bond to be given by each appointive state
14 officer and each employee of the state in all cases where it is not
15 fixed by law;

16 (2) Require the giving of an additional bond, or a bond in a
17 greater amount than provided by law, in all cases where in his or her
18 judgment the statutory bond is not sufficient in amount to cover the
19 liabilities of the officer or employee;

20 (3) Exempt subordinate employees from giving bond when in his or
21 her judgment their powers and duties are such as not to require a bond.

22 **Sec. 5122.** RCW 43.43.040 and 1998 c 194 s 1 are each amended to
23 read as follows:

24 (1) The chief of the Washington state patrol shall relieve from
25 active duty Washington state patrol officers who, while in the
26 performance of their official duties, or while on standby or available
27 for duty, have been or hereafter may be injured or incapacitated to
28 such an extent as to be mentally or physically incapable of active
29 service: PROVIDED, That:

30 (a) Any officer disabled while performing line duty who is found by
31 the chief to be physically incapacitated shall be placed on disability
32 leave for a period not to exceed six months from the date of injury or
33 the date incapacitated. During this period, the officer shall be
34 entitled to all pay, benefits, insurance, leave, and retirement
35 contributions awarded to an officer on active status, less any

1 compensation received through the department of labor and industries.
2 No such disability leave shall be approved until an officer has been
3 unavailable for duty for more than forty consecutive work hours. Prior
4 to the end of the six-month period, the chief shall either place the
5 officer on disability status or return the officer to active status.

6 For the purposes of this section, "line duty" is active service
7 which encompasses the traffic law enforcement duties and/or other law
8 enforcement responsibilities of the state patrol. These activities
9 encompass all enforcement practices of the laws, accident and criminal
10 investigations, or actions requiring physical exertion or exposure to
11 hazardous elements.

12 The chief shall define by rule the situations where a disability
13 has occurred during line duty;

14 (b) Benefits under this section for a disability that is incurred
15 while in other employment will be reduced by any amount the officer
16 receives or is entitled to receive from workers' compensation, social
17 security, group insurance, other pension plan, or any other similar
18 source provided by another employer on account of the same disability;

19 (c) An officer injured while engaged in willfully tortious or
20 criminal conduct shall not be entitled to disability benefits under
21 this section; and

22 (d) Should a disability beneficiary whose disability was not
23 incurred in line of duty, prior to attaining age fifty, engage in a
24 gainful occupation, the chief shall reduce the amount of his or her
25 retirement allowance to an amount which when added to the compensation
26 earned by him or her in such occupation shall not exceed the basic
27 salary currently being paid for the rank the retired officer held at
28 the time he or she was disabled. All such disability beneficiaries
29 under age fifty shall file with the chief every six months a signed and
30 sworn statement of earnings and any person who shall knowingly swear
31 falsely on such statement shall be subject to prosecution for perjury.
32 Should the earning capacity of such beneficiary be further altered, the
33 chief may further alter his or her disability retirement allowance as
34 indicated above. The failure of any officer to file the required
35 statement of earnings shall be cause for cancellation of retirement
36 benefits.

37 (2) Officers on disability status shall receive one-half of their
38 compensation at the existing wage, during the time the disability

1 continues in effect, less any compensation received through the
2 department of labor and industries. They shall be subject to mental or
3 physical examination at any state institution or otherwise under the
4 direction of the chief of the patrol at any time during such relief
5 from duty to ascertain whether or not they are able to resume active
6 duty.

7 **Sec. 5123.** RCW 43.43.110 and 1965 c 8 s 43.43.110 are each amended
8 to read as follows:

9 If as a result of any trial board hearing, or review proceeding, an
10 officer complained of is found not guilty of the charges against him or
11 her, he or she shall be immediately reinstated to his or her former
12 position, and be reimbursed for any loss of salary suffered by reason
13 of the previous disciplinary action.

14 **Sec. 5124.** RCW 43.43.120 and 2001 c 329 s 3 are each amended to
15 read as follows:

16 As used in the following sections, unless a different meaning is
17 plainly required by the context:

18 (1) "Retirement system" means the Washington state patrol
19 retirement system.

20 (2) "Retirement fund" means the Washington state patrol retirement
21 fund.

22 (3) "State treasurer" means the treasurer of the state of
23 Washington.

24 (4) "Member" means any person included in the membership of the
25 retirement fund.

26 (5) "Employee" means any commissioned employee of the Washington
27 state patrol.

28 (6)(a) "Cadet," for a person who became a member of the retirement
29 system after June 12, 1980, is a person who has passed the Washington
30 state patrol's entry-level oral, written, physical performance, and
31 background examinations and is, thereby, appointed by the chief as a
32 candidate to be a commissioned officer of the Washington state patrol.

33 (b) "Cadet," for a person who became a member of the retirement
34 system before June 12, 1980, is a trooper cadet, patrol cadet, or
35 employee of like classification, employed for the express purpose of
36 receiving the on-the-job training required for attendance at the state

1 patrol academy and for becoming a commissioned trooper. "Like
2 classification" includes: Radio operators or dispatchers; persons
3 providing security for the governor or legislature; (~~patrolmen~~)
4 patrol officers; drivers' license examiners; weighmasters; vehicle
5 safety inspectors; central wireless operators; and (~~warehousemen~~)
6 warehouse workers.

7 (7) "Beneficiary" means any person in receipt of retirement
8 allowance or any other benefit allowed by this chapter.

9 (8) "Regular interest" means interest compounded annually at such
10 rates as may be determined by the director.

11 (9) "Retirement board" means the board provided for in this
12 chapter.

13 (10) "Insurance commissioner" means the insurance commissioner of
14 the state of Washington.

15 (11) "Lieutenant governor" means the lieutenant governor of the
16 state of Washington.

17 (12) "Service" shall mean services rendered to the state of
18 Washington or any political subdivisions thereof for which compensation
19 has been paid. Full time employment for seventy or more hours in any
20 given calendar month shall constitute one month of service. An
21 employee who is reinstated in accordance with RCW 43.43.110 shall
22 suffer no loss of service for the period reinstated subject to the
23 contribution requirements of this chapter. Only months of service
24 shall be counted in the computation of any retirement allowance or
25 other benefit provided for herein. Years of service shall be
26 determined by dividing the total number of months of service by twelve.
27 Any fraction of a year of service as so determined shall be taken into
28 account in the computation of such retirement allowance or benefit.

29 (13) "Prior service" shall mean all services rendered by a member
30 to the state of Washington, or any of its political subdivisions prior
31 to August 1, 1947, unless such service has been credited in another
32 public retirement or pension system operating in the state of
33 Washington.

34 (14) "Current service" shall mean all service as a member rendered
35 on or after August 1, 1947.

36 (15)(a) "Average final salary," for members commissioned prior to
37 January 1, 2003, shall mean the average monthly salary received by a
38 member during the member's last two years of service or any consecutive

1 two-year period of service, whichever is the greater, as an employee of
2 the Washington state patrol; or if the member has less than two years
3 of service, then the average monthly salary received by the member
4 during the member's total years of service.

5 (b) "Average final salary," for members commissioned on or after
6 January 1, 2003, shall mean the average monthly salary received by a
7 member for the highest consecutive sixty service credit months; or if
8 the member has less than sixty months of service, then the average
9 monthly salary received by the member during the member's total months
10 of service.

11 (16) "Actuarial equivalent" shall mean a benefit of equal value
12 when computed upon the basis of such mortality table as may be adopted
13 and such interest rate as may be determined by the director.

14 (17) Unless the context expressly indicates otherwise, words
15 importing the masculine gender shall be extended to include the
16 feminine gender and words importing the feminine gender shall be
17 extended to include the masculine gender.

18 (18) "Director" means the director of the department of retirement
19 systems.

20 (19) "Department" means the department of retirement systems
21 created in chapter 41.50 RCW.

22 (20) "State actuary" or "actuary" means the person appointed
23 pursuant to RCW 44.44.010(2).

24 (21) "Contributions" means the deduction from the compensation of
25 each member in accordance with the contribution rates established under
26 chapter 41.45 RCW.

27 (22) "Annual increase" means as of July 1, 1999, seventy-seven
28 cents per month per year of service which amount shall be increased
29 each subsequent July 1st by three percent, rounded to the nearest cent.

30 (23)(a) "Salary," for members commissioned prior to July 1, 2001,
31 shall exclude any overtime earnings related to RCW 47.46.040, or any
32 voluntary overtime, earned on or after July 1, 2001.

33 (b) "Salary," for members commissioned on or after July 1, 2001,
34 shall exclude any overtime earnings related to RCW 47.46.040 or any
35 voluntary overtime, lump sum payments for deferred annual sick leave,
36 unused accumulated vacation, unused accumulated annual leave, holiday
37 pay, or any form of severance pay.

1 (24) "Plan 2" means the Washington state patrol retirement system
2 plan 2, providing the benefits and funding provisions covering
3 commissioned employees who first become members of the system on or
4 after January 1, 2003.

5 **Sec. 5125.** RCW 43.43.130 and 1994 c 197 s 33 are each amended to
6 read as follows:

7 (1) A Washington state patrol retirement fund is hereby established
8 for members of the Washington state patrol which shall include funds
9 created and placed under the management of a retirement board for the
10 payment of retirement allowances and other benefits under the
11 provisions hereof.

12 (2) Any employee of the Washington state patrol, upon date of
13 commissioning, shall be eligible to participate in the retirement plan
14 and shall start contributing to the fund immediately. Any employee of
15 the Washington state patrol employed by the state of Washington or any
16 of its political subdivisions prior to August 1, 1947, unless such
17 service has been credited in another public retirement or pension
18 system operating in the state of Washington shall receive full credit
19 for such prior service but after that date each new commissioned
20 employee must automatically participate in the fund. If a member shall
21 terminate service in the patrol and later reenter, he or she shall be
22 treated in all respects as a new employee.

23 (3)(a) A member who reenters or has reentered service within ten
24 years from the date of his or her termination, shall upon completion of
25 six months of continuous service and upon the restoration of all
26 withdrawn contributions, plus interest as determined by the director,
27 which restoration must be completed within five years after resumption
28 of service, be returned to the status of membership he or she earned at
29 the time of termination.

30 (b) A member who does not meet the time limitations for restoration
31 under (a) of this subsection, may restore the service credit destroyed
32 by the withdrawn contributions by paying the amount required under RCW
33 41.50.165(2) prior to retirement.

34 (4)(a) An employee of the Washington state patrol who becomes a
35 member of the retirement system after June 12, 1980, and who has
36 service as a cadet in the patrol training program may make an
37 irrevocable election to transfer the service to the retirement system.

1 Any member upon making such election shall have transferred all
2 existing service credited in a prior public retirement system in this
3 state for periods of employment as a cadet. Transfer of credit under
4 this subsection is contingent on completion of the transfer of funds
5 specified in (b) of this subsection.

6 (b) Within sixty days of notification of a member's cadet service
7 transfer as provided in (a) of this subsection, the department of
8 retirement systems shall transfer the employee's accumulated
9 contributions attributable to the periods of service as a cadet,
10 including accumulated interest.

11 (5) A member of the retirement system who has served or shall serve
12 on active federal service in the armed forces of the United States
13 pursuant to and by reason of orders by competent federal authority, who
14 left or shall leave the Washington state patrol to enter such service,
15 and who within one year from termination of such active federal
16 service, resumes employment as a state employee, shall have his or her
17 service in such armed forces credited to him or her as a member of the
18 retirement system: PROVIDED, That no such service in excess of five
19 years shall be credited unless such service was actually rendered
20 during time of war or emergency.

21 (6) An active employee of the Washington state patrol who either
22 became a member of the retirement system prior to June 12, 1980, and
23 who has prior service as a cadet in the public employees' retirement
24 system may make an irrevocable election to transfer such service to the
25 retirement system within a period ending June 30, 1985, or, if not an
26 active employee on July 1, 1983, within one year of returning to
27 commissioned service, whichever date is later. Any member upon making
28 such election shall have transferred all existing service credited in
29 the public employees' retirement system which constituted service as a
30 cadet together with the employee's contributions plus credited
31 interest. If the employee has withdrawn the employee's contributions,
32 the contributions must be restored to the public employees' retirement
33 system before the transfer of credit can occur and such restoration
34 must be completed within the time limits specified in this subsection
35 for making the elective transfer.

36 (7) An active employee of the Washington state patrol who either
37 became a member of the retirement system prior to June 12, 1980, or who
38 has prior service as a cadet in the public employees' retirement system

1 may make an irrevocable election to transfer such service to the
2 retirement system if they have not met the time limitations of
3 subsection (6) of this section by paying the amount required under RCW
4 41.50.165(2) less the contributions transferred. Any member upon
5 making such election shall have transferred all existing service
6 credited in the public employees' retirement system that constituted
7 service as a cadet together with the employee's contributions plus
8 credited interest. If the employee has withdrawn the employee's
9 contributions, the contributions must be restored to the public
10 employees' retirement system before the transfer of credit can occur
11 and such restoration must be completed within the time limits specified
12 in subsection (6) of this section for making the elective transfer.

13 (8) An active employee of the Washington state patrol may establish
14 up to six months' retirement service credit in the state patrol
15 retirement system for any period of employment by the Washington state
16 patrol as a cadet if service credit for such employment was not
17 previously established in the public employees' retirement system,
18 subject to the following:

19 (a) Certification by the patrol that such employment as a cadet was
20 for the express purpose of receiving on-the-job training required for
21 attendance at the state patrol academy and for becoming a commissioned
22 trooper.

23 (b) Payment by the member of employee contributions in the amount
24 of seven percent of the total salary paid for each month of service to
25 be established, plus interest at seven percent from the date of the
26 probationary service to the date of payment. This payment shall be
27 made by the member no later than July 1, 1988.

28 (c) If the payment required under (b) of this subsection was not
29 made by July 1, 1988, the member may establish the probationary service
30 by paying the amount required under RCW 41.50.165(2).

31 (d) A written waiver by the member of the member's right to ever
32 establish the same service in the public employees' retirement system
33 at any time in the future.

34 (9) The department of retirement systems shall make the requested
35 transfer subject to the conditions specified in subsections (6) and (7)
36 of this section or establish additional credit as provided in
37 subsection (8) of this section. Employee contributions and credited

1 interest transferred shall be credited to the employee's account in the
2 Washington state patrol retirement system.

3 **Sec. 5126.** RCW 43.43.135 and 1965 c 8 s 43.43.135 are each amended
4 to read as follows:

5 In any case where the Washington state patrol retirement system has
6 in existence an agreement with another retirement system in connection
7 with exchange of service credit or an agreement whereby members can
8 retain service credit in more than one system, an employee holding
9 membership in, or receiving pension benefits under, any retirement plan
10 operated wholly or in part by an agency of the state or political
11 subdivision thereof, or who is by reason of his or her current
12 employment contributing to or otherwise establishing the right to
13 receive benefits from any such retirement plan, shall be allowed
14 membership rights should the agreement so provide.

15 **Sec. 5127.** RCW 43.43.330 and 1993 c 155 s 1 are each amended to
16 read as follows:

17 Appropriate examinations shall be conducted for the promotion of
18 commissioned patrol officers to the rank of sergeant and lieutenant.
19 The examinations shall be prepared and conducted under the supervision
20 of the chief of the Washington state patrol, who shall cause at least
21 thirty days written notice thereof to be given to all patrol officers
22 eligible for such examinations. The written notice shall specify the
23 expected type of examination and relative weights to be assigned if a
24 combination of tests is to be used. Examinations shall be given once
25 every two years, or whenever the eligible list becomes exhausted as the
26 case may be. After the giving of each such examination a new eligible
27 list shall be compiled replacing any existing eligible list for such
28 rank. Only grades attained in the last examination given for a
29 particular rank shall be used in compiling each eligible list therefor.
30 The chief, or in his or her discretion a committee of three individuals
31 appointed by him or her, shall prepare and conduct the examinations,
32 and thereafter grade and evaluate them in accordance with the following
33 provisions, or factors: For promotion to the rank of sergeant or
34 lieutenant, the examination shall consist of one or more of the
35 following components: (1) Oral examination; (2) written examination;
36 (3) service rating; (4) personnel record; (5) assessment center or

1 other valid tests that measures the skills, knowledge, and qualities
2 needed to perform these jobs. A cutoff score may be set for each
3 testing component that allows only those scoring above the cutoff on
4 one component to proceed to take a subsequent component.

5 **Sec. 5128.** RCW 43.43.350 and 1998 c 193 s 1 are each amended to
6 read as follows:

7 Eligibility for examination for promotion shall be determined as
8 follows:

9 Patrol officers with one year of probationary experience, in
10 addition to three years experience as a regular ((~~patrolman~~)) patrol
11 officer before the date of the first examination occurrence, shall be
12 eligible for examination for the rank of sergeant; patrol officers with
13 one year of probationary experience in the rank of sergeant before the
14 date of the first examination occurrence, in addition to two years as
15 a regular sergeant, shall be eligible for examination for the rank of
16 lieutenant.

17 **Sec. 5129.** RCW 43.43.370 and 1965 c 8 s 43.43.370 are each amended
18 to read as follows:

19 The chief of the Washington state patrol may appoint such staff or
20 technical officers as he or she deems necessary for the efficient
21 operation of the patrol, and he or she may assign whatever rank he or
22 she deems necessary to such staff or technical officers for the
23 duration of their service as such.

24 Staff or technical officers may be returned to their line rank or
25 position whenever the chief so desires. Staff or technical officers
26 without line command assignment and whose duties are of a special or
27 technical nature shall hold their staff or technical rank on a
28 continuing probationary basis; however, such staff or technical
29 officers, if otherwise eligible, shall not be prevented from taking the
30 line promotion examinations, and qualifying for promotion whenever the
31 examinations may be held.

32 If a staff or technical officer returns to line operations he or
33 she shall return in the rank that he or she holds in the line command,
34 unless promoted to a higher rank through examination and appointment as
35 herein provided: PROVIDED, Nothing contained herein shall be construed

1 as giving the chief the right to demote or to reduce the rank of any
2 officer of the patrol who was holding such office on April 1, 1949.

3 **Sec. 5130.** RCW 43.43.735 and 2006 c 294 s 6 are each amended to
4 read as follows:

5 (1) It shall be the duty of the sheriff or director of public
6 safety of every county, and the chief of police of every city or town,
7 and of every chief officer of other law enforcement agencies duly
8 operating within this state, to cause the photographing and
9 fingerprinting of all adults and juveniles lawfully arrested for the
10 commission of any criminal offense constituting a felony or gross
11 misdemeanor. (a) When such juveniles are brought directly to a
12 juvenile detention facility, the juvenile court administrator is also
13 authorized, but not required, to cause the photographing,
14 fingerprinting, and record transmittal to the appropriate law
15 enforcement agency; and (b) a further exception may be made when the
16 arrest is for a violation punishable as a gross misdemeanor and the
17 arrested person is not taken into custody.

18 (2) It shall be the right, but not the duty, of the sheriff or
19 director of public safety of every county, and the chief of police of
20 every city or town, and every chief officer of other law enforcement
21 agencies operating within this state to photograph and record the
22 fingerprints of all adults lawfully arrested.

23 (3) Such sheriffs, directors of public safety, chiefs of police,
24 and other chief law enforcement officers, may record, in addition to
25 photographs and fingerprints, the palmprints, soleprints, toeprints, or
26 any other identification data of all persons whose photograph and
27 fingerprints are required or allowed to be taken under this section
28 when in the discretion of such law enforcement officers it is necessary
29 for proper identification of the arrested person or the investigation
30 of the crime with which he or she is charged.

31 **Sec. 5131.** RCW 43.43.750 and 1972 ex.s. c 152 s 11 are each
32 amended to read as follows:

33 In exercising their duties and authority under RCW 43.43.735 and
34 43.43.740, the sheriffs, directors of public safety, chiefs of police,
35 and other chief law enforcement officers, may, consistent with
36 constitutional and legal requirements, use such reasonable force as is

1 necessary to compel an unwilling person to submit to being
2 photographed, or fingerprinted, or to submit to any other
3 identification procedure, except interrogation, which will result in
4 obtaining physical evidence serving to identify such person. No one
5 having the custody of any person subject to the identification
6 procedures provided for in chapter 152, Laws of 1972 ex. sess., and no
7 one acting in his or her aid or under his or her direction, and no one
8 concerned in such publication as is provided for in RCW 43.43.740,
9 shall incur any liability, civil or criminal, for anything lawfully
10 done in the exercise of the provisions of chapter 152, Laws of 1972 ex.
11 sess.

12 **Sec. 5132.** RCW 43.43.815 and 1995 c 169 s 1 are each amended to
13 read as follows:

14 (1) Notwithstanding any provision of RCW 43.43.700 through
15 43.43.810 to the contrary, the Washington state patrol shall furnish a
16 conviction record, as defined in RCW 10.97.030, pertaining to any
17 person of whom the Washington state patrol has a record upon the
18 written or electronic request of any employer for the purpose of:

19 (a) Securing a bond required for any employment;

20 (b) Conducting preemployment and postemployment evaluations of
21 employees and prospective employees who, in the course of employment,
22 may have access to information affecting national security, trade
23 secrets, confidential or proprietary business information, money, or
24 items of value; or

25 (c) Assisting an investigation of suspected employee misconduct
26 where such misconduct may also constitute a penal offense under the
27 laws of the United States or any state.

28 (2) When an employer has received a conviction record under
29 subsection (1) of this section, the employer shall notify the subject
30 of the record of such receipt within thirty days after receipt of the
31 record, or upon completion of an investigation under subsection (1)(c)
32 of this section. The employer shall make the record available for
33 examination by its subject and shall notify the subject of such
34 availability.

35 (3) The Washington state patrol shall charge fees for disseminating
36 records pursuant to this section which will cover, as nearly as

1 practicable, the direct and indirect costs to the Washington state
2 patrol of disseminating such records.

3 (4) Information disseminated pursuant to this section or RCW
4 43.43.760 shall be available only to persons involved in the hiring,
5 background investigation, or job assignment of the person whose record
6 is disseminated and shall be used only as necessary for those purposes
7 enumerated in subsection (1) of this section.

8 (5) Any person may maintain an action to enjoin a continuance of
9 any act or acts in violation of any of the provisions of this section,
10 and if injured thereby, for the recovery of damages and for the
11 recovery of reasonable attorneys' fees. If, in such action, the court
12 finds that the defendant is violating or has violated any of the
13 provisions of this section, it shall enjoin the defendant from a
14 continuance thereof, and it shall not be necessary that actual damages
15 to the plaintiff be alleged or proved. In addition to such injunctive
16 relief, the plaintiff in the action is entitled to recover from the
17 defendant the amount of the actual damages, if any, sustained by him or
18 her if actual damages to the plaintiff are alleged and proved. In any
19 suit brought to enjoin a violation of this chapter, the prevailing
20 party may be awarded reasonable attorneys' fees, including fees
21 incurred upon appeal. Commencement, pendency, or conclusion of a civil
22 action for injunction or damages shall not affect the liability of a
23 person or agency to criminal prosecution for a violation of chapter
24 10.97 RCW.

25 (6) Neither the section, its employees, nor any other agency or
26 employee of the state is liable for defamation, invasion of privacy,
27 negligence, or any other claim in connection with any dissemination of
28 information pursuant to this section or RCW 43.43.760.

29 (7) The Washington state patrol may adopt rules and forms to
30 implement this section and to provide for security and privacy of
31 information disseminated pursuant hereto, giving first priority to the
32 criminal justice requirements of chapter 43.43 RCW. Such rules may
33 include requirements for users, audits of users, and other procedures
34 to prevent use of criminal history record information inconsistent with
35 this section.

36 (8) Nothing in this section shall authorize an employer to make an
37 inquiry not otherwise authorized by law, or be construed to affect the

1 policy of the state declared in RCW 9.96A.010, encouraging the
2 employment of ex-offenders.

3 **Sec. 5133.** RCW 43.43.860 and 1987 c 65 s 2 are each amended to
4 read as follows:

5 The term of each legislative member shall be two years and shall be
6 conditioned upon such member retaining membership in the legislature
7 and in the same political party of which he or she was a member at the
8 time of appointment.

9 The term of each nonlegislative member shall be two years and shall
10 be conditioned upon such member retaining the official position from
11 which he or she was appointed.

12 **Sec. 5134.** RCW 43.46.090 and 1983 c 204 s 1 are each amended to
13 read as follows:

14 The legislature recognizes this state's responsibility to foster
15 culture and the arts and its interest in the viable development of
16 ~~((her))~~ the state's artists ~~((and craftsmen))~~ by the establishment of
17 the Washington state arts commission. The legislature declares it to
18 be a policy of this state that a portion of appropriations for capital
19 expenditures be set aside for the acquisition of works of art to be
20 placed in public buildings or lands. There is hereby established a
21 visual arts program to be administered by the Washington state arts
22 commission.

23 **Sec. 5135.** RCW 43.52.290 and 1983 1st ex.s. c 3 s 1 are each
24 amended to read as follows:

25 Members of the board of directors of an operating agency shall be
26 paid the sum of fifty dollars per day as compensation for each day or
27 major part thereof devoted to the business of the operating agency,
28 together with their traveling and other necessary expenses. Such
29 member may, regardless of any charter or other provision to the
30 contrary, be an officer or employee holding another public position
31 and, if he or she be such other public officer or employee, he or she
32 shall be paid by the operating agency such amount as will, together
33 with the compensation for such other public position equal the sum of
34 fifty dollars per day. The common law doctrine of incompatibility of
35 offices is hereby voided as it applies to persons sitting on the board

1 of directors or the executive board of an operating agency and holding
2 an elective or appointive position on a public utility district
3 commission or municipal legislative authority or being an employee of
4 a public utility district or municipality.

5 **Sec. 5136.** RCW 43.52.374 and 1983 1st ex.s. c 3 s 3 are each
6 amended to read as follows:

7 (1) With the exception of the powers and duties of the board of
8 directors described in RCW 43.52.370(2), the management and control of
9 an operating agency constructing, operating, terminating, or
10 decommissioning a nuclear power plant under a site certification
11 agreement under chapter 80.50 RCW is vested in an executive board
12 established under this subsection and consisting of eleven members.

13 (a) Five members of the executive board shall be elected to four-
14 year terms by the board of directors from among the members of the
15 board of directors. The board of directors may provide by rule for the
16 composition of the five members of the executive board elected from
17 among the members of the board of directors so as to reflect the member
18 public utility districts' and cities' participation in the joint
19 operating agency's projects. Members elected to the executive board
20 from the board of directors are ineligible for continued membership on
21 the executive board if they cease to be members of the board of
22 directors. The board of directors may also provide by rule for the
23 removal of a member of the executive board, except for the outside
24 directors. Members of the board of directors may be elected to serve
25 successive terms on the executive board. Members elected to the
26 executive board from the board of directors shall receive a salary from
27 the operating agency at a rate set by the board of directors.

28 (b) Six members of the executive board shall be outside directors.
29 Three shall be selected and appointed by the board of directors, and
30 three shall be selected and appointed by the governor and confirmed by
31 the senate. All outside directors shall:

32 (i) Serve four-year terms on the executive board. However, of the
33 initial members of the executive board, the board of directors and the
34 governor shall each appoint one outside director to serve a two-year
35 term, one outside director to serve a three-year term, and one outside
36 director to serve a four-year term. Thereafter, all outside directors

1 shall be appointed for four-year terms. All outside directors are
2 eligible for reappointment;

3 (ii) Receive travel expenses on the same basis as the five members
4 elected from the board of directors. The outside directors shall also
5 receive a salary from the operating agency as fixed by the governor;

6 (iii) Not be an officer or employee of, or in any way affiliated
7 with, the Bonneville power administration or any electric utility
8 conducting business in the states of Washington, Oregon, Idaho, or
9 Montana;

10 (iv) Not be involved in the financial affairs of the operating
11 agency as an underwriter or financial adviser of the operating agency
12 or any of its members or any of the participants in any of the
13 operating agency's plants; and

14 (v) Be representative of policy makers in business, finance, or
15 science, or have expertise in the construction or management of such
16 facilities as the operating agency is constructing or operating, or
17 have expertise in the termination, disposition, or liquidation of
18 corporate assets.

19 (c) The governor may remove outside directors from the executive
20 board for incompetency, misconduct, or malfeasance in office in the
21 same manner as state appointive officers under chapter 43.06 RCW. For
22 purposes of this subsection, misconduct shall include, but not be
23 limited to, nonfeasance and misfeasance.

24 (2) Nothing in this chapter shall be construed to mean that an
25 operating agency is in any manner an agency of the state. Nothing in
26 this chapter alters or destroys the status of an operating agency as a
27 separate municipal corporation or makes the state liable in any way or
28 to any extent for any preexisting or future debt of the operating
29 agency or any present or future claim against the agency.

30 (3) The eleven members of the executive board shall be selected
31 with the objective of establishing an executive board which has the
32 resources to effectively carry out its responsibilities. All members
33 of the executive board shall conduct their business in a manner which
34 in their judgment is in the interest of all ratepayers affected by the
35 joint operating agency and its projects.

36 (4) The executive board shall elect from its members a (~~chairman~~)
37 chair, vice (~~chairman~~) chair, and secretary, who shall serve at the
38 pleasure of the executive board. The executive board shall adopt rules

1 for the conduct of its meetings and the carrying out of its business.
2 All proceedings shall be by motion or resolution and shall be recorded
3 in the minute book, which shall be a public record. A majority of the
4 executive board shall constitute a quorum for the transaction of
5 business.

6 (5) With respect to any operating agency existing on April 20,
7 1982, to which the provisions of this section are applicable:

8 (a) The board of directors shall elect five members to the
9 executive board no later than sixty days after April 20, 1982; and

10 (b) The board of directors and the governor shall select and
11 appoint the initial outside directors and the executive board shall
12 hold its organizational meeting no later than sixty days after April
13 20, 1982, and the powers and duties prescribed in this chapter shall
14 devolve upon the executive board at that time.

15 (6) The executive board shall select and employ a managing director
16 of the operating agency and may delegate to the managing director such
17 authority for the management and control of the operating agency as the
18 executive board deems appropriate. The managing director's employment
19 is terminable at the will of the executive board.

20 (7) Members of the executive board shall be immune from civil
21 liability for mistakes and errors of judgment in the good faith
22 performance of acts within the scope of their official duties involving
23 the exercise of judgment and discretion. This grant of immunity shall
24 not be construed as modifying the liability of the operating agency.

25 The operating agency shall undertake the defense of and indemnify
26 each executive board member made a party to any civil proceeding
27 including any threatened, pending, or completed action, suit, or
28 proceeding, whether civil, administrative, or investigative, by reason
29 of the fact he or she is or was a member of the executive board,
30 against judgments, penalties, fines, settlements, and reasonable
31 expenses, actually incurred by him or her in connection with such
32 proceeding if he or she had conducted himself or herself in good faith
33 and reasonably believed his or her conduct to be in the best interest
34 of the operating agency.

35 In addition members of the executive board who are utility
36 employees shall not be fired, forced to resign, or demoted from their
37 utility jobs for decisions they make while carrying out their duties as

1 members of the executive board involving the exercise of judgment and
2 discretion.

3 **Sec. 5137.** RCW 43.52.375 and 1982 1st ex.s. c 43 s 7 are each
4 amended to read as follows:

5 The board of each joint operating agency shall by resolution
6 appoint a treasurer. The treasurer shall be the chief financial
7 officer of the operating agency, who shall report at least annually to
8 the board a detailed statement of the financial condition of the
9 operating agency and of its financial operations for the preceding
10 fiscal year. The treasurer shall advise the board on all matters
11 affecting the financial condition of the operating agency. Before
12 entering upon his or her duties the treasurer shall give bond to the
13 operating agency, with a surety company authorized to write such bonds
14 in this state as surety, in an amount which the board finds by
15 resolution will protect the operating agency against loss, conditioned
16 that all funds which he or she receives as such treasurer will be
17 faithfully kept and accounted for and for the faithful discharge of his
18 or her duties. The amount of such bond may be decreased or increased
19 from time to time as the board may by resolution direct.

20 The board shall also appoint an auditor and may require him or her
21 to give a bond with a surety company authorized to do business in the
22 state of Washington in such amount as it shall by resolution prescribe,
23 conditioned for the faithful discharge of his or her duties. The
24 auditor shall report directly to the board and be responsible to it for
25 discharging his or her duties.

26 The premiums on the bonds of the auditor and the treasurer shall be
27 paid by the operating agency. The board may provide for coverage of
28 said officers and other persons on the same bond.

29 All funds of the joint operating agency shall be paid to the
30 treasurer and shall be disbursed by him or her only on warrants issued
31 by the auditor upon orders or vouchers approved by the board:
32 PROVIDED, That the board by resolution may authorize the managing
33 director or any other bonded officer or employee as legally permissible
34 to approve or disapprove vouchers presented to defray salaries of
35 employees and other expenses of the operating agency arising in the
36 usual and ordinary course of its business, including expenses incurred
37 by the board of directors, its executive committee, or the executive

1 board in the performance of their duties. All moneys of the operating
2 agency shall be deposited forthwith by the treasurer in such
3 depositaries, and with such securities as are designated by rules of
4 the board. The treasurer shall establish a general fund and such
5 special funds as shall be created by the board, into which he or she
6 shall place all money of the joint operating agency as the board by
7 resolution or motion may direct.

8 **Sec. 5138.** RCW 43.52.378 and 1987 c 505 s 84 are each amended to
9 read as follows:

10 The executive board of any operating agency constructing,
11 operating, terminating, or decommissioning a nuclear power plant under
12 a site certification agreement issued pursuant to chapter 80.50 RCW
13 shall appoint an administrative auditor. The administrative auditor
14 shall be deemed an officer under chapter 42.23 RCW. The appointment of
15 the administrative auditor shall be in addition to the appointment of
16 the auditor for the issuance of warrants and other purposes as provided
17 in RCW 43.52.375. The executive board shall retain a qualified firm or
18 firms to conduct performance audits which is in fact independent and
19 does not have any interest, direct or indirect, in any contract with
20 the operating agency other than its employment hereunder. No member or
21 employee of any such firm shall be connected with the operating agency
22 as an officer, employee, or contractor. The administrative auditor and
23 the firm or firms shall be independently and directly responsible to
24 the executive board of the operating agency. The executive board shall
25 require a firm to conduct continuing audits of the methods, procedures
26 and organization used by the operating agency to control costs,
27 schedules, productivity, contract amendments, project design and any
28 other topics deemed desirable by the executive board. The executive
29 board may also require a firm to analyze particular technical aspects
30 of the operating agency's projects and contract amendments. The firm
31 or firms shall provide advice to the executive board in its management
32 and control of the operating agency. At least once each year, the firm
33 or firms shall prepare and furnish a report of its actions and
34 recommendations to the executive board for the purpose of enabling it
35 to attain the highest degree of efficiency in the management and
36 control of any thermal power project under construction or in
37 operation. The administrative auditor shall assist the firm or firms

1 in the performance of its duties. The administrative auditor and the
2 firm or firms shall consult regularly with the executive board and
3 furnish any information or data to the executive board which the
4 administrative auditor, firm, or executive board deems helpful in
5 accomplishing the purpose above stated. The administrative auditor
6 shall perform such other duties as the executive board shall prescribe
7 to accomplish the purposes of this section.

8 Upon the concurrent request of the (~~chairmen~~) chairs of the
9 senate or house energy and utilities committees, the operating agency
10 shall report to the committees on a quarterly basis.

11 **Sec. 5139.** RCW 43.52A.050 and 1981 c 14 s 5 are each amended to
12 read as follows:

13 (1) Council members shall spend sufficient time on council
14 activities to fully represent the state of Washington in carrying out
15 the purposes of the act.

16 (2) State agencies shall provide technical assistance to council
17 members upon request. The council members shall request that the
18 council request the administrator of the Bonneville Power
19 Administration to reimburse the state for the expenses associated with
20 such assistance as provided in the act.

21 (3) The members of the council shall maintain liaison with the
22 governor or his or her designees and the committees on energy and
23 utilities, or their successor entities, of the senate and house of
24 representatives.

25 (4) The members of the council shall submit to the governor and
26 legislature an annual report describing the activities and plans of the
27 council.

28 (5) Each member of the council shall receive compensation to be
29 determined by the governor and applicable federal law and shall be
30 reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, as
31 now or hereafter amended.

32 **Sec. 5140.** RCW 43.56.040 and 1975-'76 2nd ex.s. c 34 s 118 are
33 each amended to read as follows:

34 No member of the board shall receive any compensation for his or
35 her services, but each member shall be paid travel expenses incurred in

1 the discharge of official duty in accordance with RCW 43.03.050 and
2 43.03.060 as now existing or hereafter amended, after the account
3 thereof has been audited by the board.

4 The board shall keep a full account of its expenditures and shall
5 report it in each report. There shall be allowed such expenses for
6 only one annual meeting of the board within this state, and for the
7 members in attendance, not oftener than once in each year, at any
8 conference of commissioners outside of this state.

9 **Sec. 5141.** RCW 43.59.010 and 1998 c 165 s 2 are each amended to
10 read as follows:

11 (1) The purpose of this chapter is to establish a new agency of
12 state government to be known as the Washington traffic safety
13 commission. The functions and purpose of this commission shall be to
14 find solutions to the problems that have been created as a result of
15 the tremendous increase of motor vehicles on our highways and the
16 attendant traffic death and accident tolls; to plan and supervise
17 programs for the prevention of accidents on streets and highways
18 including but not limited to educational campaigns designed to reduce
19 traffic accidents in cooperation with all official and unofficial
20 organizations interested in traffic safety; to coordinate the
21 activities at the state and local level in the development of statewide
22 and local traffic safety programs; to promote a uniform enforcement of
23 traffic safety laws and establish standards for investigation and
24 reporting of traffic accidents; to promote and improve driver
25 education; and to authorize the governor to perform all functions
26 required to be performed by him or her under the federal Highway Safety
27 Act of 1966 (Public Law 89-564; 80 Stat. 731).

28 (2) The legislature finds and declares that bicycling and walking
29 are becoming increasingly popular in Washington as clean and efficient
30 modes of transportation, as recreational activities, and as organized
31 sports. Future plans for the state's transportation system will
32 require increased access and safety for bicycles and pedestrians on our
33 common roadways, and federal transportation legislation and funding
34 programs have created strong incentives to implement these changes
35 quickly. As a result, many more people are likely to take up bicycling
36 in Washington both as a leisure activity and as a convenient,
37 inexpensive form of transportation. Bicyclists are more vulnerable to

1 injury and accident than motorists, and should be as knowledgeable as
2 possible about traffic laws, be highly visible and predictable when
3 riding in traffic, and be encouraged to wear bicycle safety helmets.
4 Hundreds of bicyclists and pedestrians are seriously injured every year
5 in accidents, and millions of dollars are spent on health care costs
6 associated with these accidents. There is clear evidence that
7 organized training in the rules and techniques of safe and effective
8 cycling can significantly reduce the incidence of serious injury and
9 accidents, increase cooperation among road users, and significantly
10 increase the incidence of bicycle helmet use, particularly among
11 minors. A reduction in accidents benefits the entire community.
12 Therefore it is appropriate for businesses and community organizations
13 to provide donations to bicycle and pedestrian safety training
14 programs.

15 **Sec. 5142.** RCW 43.59.030 and 1991 c 3 s 298 are each amended to
16 read as follows:

17 The governor shall be assisted in his or her duties and
18 responsibilities by the Washington state traffic safety commission.
19 The Washington traffic safety commission shall be composed of the
20 governor as ((~~chairman~~)) chair, the superintendent of public
21 instruction, the director of licensing, the secretary of
22 transportation, the chief of the state patrol, the secretary of health,
23 the secretary of social and health services, a representative of the
24 association of Washington cities to be appointed by the governor, a
25 member of the association of counties to be appointed by the governor,
26 and a representative of the judiciary to be appointed by the governor.
27 Appointments to any vacancies among appointee members shall be as in
28 the case of original appointment.

29 The governor may designate an employee of the governor's office to
30 act on behalf of the governor during the absence of the governor at one
31 or more of the meetings of the commission. The vote of the designee
32 shall have the same effect as if cast by the governor if the
33 designation is in writing and is presented to the person presiding at
34 the meetings included within the designation.

35 The governor may designate a member to preside during the
36 governor's absence.

1 **Sec. 5143.** RCW 43.59.060 and 1967 ex.s. c 147 s 7 are each amended
2 to read as follows:

3 The governor as ((~~chairman~~)) chair of the commission shall appoint
4 a person to be director of the Washington traffic safety commission
5 which director shall be paid such salary as shall be deemed reasonable
6 and shall serve at the pleasure of the governor.

7 **Sec. 5144.** RCW 43.59.080 and 1967 ex.s. c 147 s 9 are each amended
8 to read as follows:

9 The governor as ((~~chairman~~)) chair of said commission shall have
10 the authority to appoint advisory committees as he or she may deem
11 advisable to aid, advise and assist the commission in carrying out the
12 purposes of this chapter. All actions and decisions, however, shall be
13 made by the commission.

14 **Sec. 5145.** RCW 43.70.210 and 1989 1st ex.s. c 9 s 260 are each
15 amended to read as follows:

16 Nothing in chapter 43.20 or 43.70 RCW, or RCW 43.70.120 shall be
17 construed to abridge the right of any person to rely exclusively on
18 spiritual means alone through prayer to alleviate human ailments,
19 sickness or disease, in accordance with the tenets and practice of the
20 Church of Christ, Scientist, nor shall anything in chapters 43.20,
21 43.70 RCW, or RCW 43.70.120 be deemed to prohibit a person so relying
22 who is inflicted with a contagious or communicable disease from being
23 isolated or quarantined in a private place of his or her own choice,
24 provided, it is approved by the local health officer, and all laws,
25 rules and regulations governing control, sanitation, isolation and
26 quarantine are complied with.

27 **Sec. 5146.** RCW 43.78.010 and 1981 c 338 s 6 are each amended to
28 read as follows:

29 There shall be a public printer appointed by the governor with the
30 advice and consent of the senate, who shall hold office at the pleasure
31 of the governor and until his or her successor is appointed and
32 qualified.

33 **Sec. 5147.** RCW 43.78.020 and 1965 c 8 s 43.78.020 are each amended
34 to read as follows:

1 Before entering upon the duties of his or her office, the public
2 printer shall execute to the state a bond in the sum of ten thousand
3 dollars conditioned for the faithful and punctual performance of all
4 duties and trusts of his or her office.

5 **Sec. 5148.** RCW 43.78.070 and 1979 c 151 s 134 are each amended to
6 read as follows:

7 The public printer shall use the state printing plant upon the
8 following conditions, to wit:

9 (1) He or she shall do the public printing, and charge therefor the
10 fees as provided by law. He or she may print the Washington Reports
11 for the publishers thereof under a contract approved in writing by the
12 governor.

13 (2) The gross income of the public printer shall be deposited in an
14 account designated "state printing plant revolving fund" in
15 depositories approved by the state treasurer, and shall be disbursed by
16 the public printer by check and only as follows:

17 First, in payment of the actual cost of labor, material, supplies,
18 replacements, repairs, water, light, heat, telephone, rent, and all
19 other expenses necessary in the operation of the plant: PROVIDED, That
20 no machinery shall be purchased except on written approval of the
21 governor;

22 Second, in payment of the cost of reasonable insurance upon the
23 printing plant, payable to the state and of all fidelity bonds required
24 by law of the public printer;

25 Third, in payment to the public printer of a salary which shall be
26 fixed by the governor in accordance with the provisions of RCW
27 43.03.040;

28 Fourth, in remitting the balance to the state treasurer for the
29 general fund: PROVIDED, That a reasonable sum to be determined by the
30 governor, the public printer, and the director of financial management
31 shall be retained in the fund for working capital for the public
32 printer.

33 **Sec. 5149.** RCW 43.79.074 and 1965 c 8 s 43.79.074 are each amended
34 to read as follows:

35 From and after the first day of May, 1955, all warrants drawn on
36 the University of Washington fund and not presented for payment shall

1 be paid from the general fund, and it shall be the duty of the state
2 treasurer and he or she is hereby directed to pay such warrants when
3 presented from the general fund.

4 **Sec. 5150.** RCW 43.79.280 and 2005 c 319 s 106 are each amended to
5 read as follows:

6 (1) If the governor approves such estimate in whole or part, he or
7 she shall endorse on each copy of the statement his or her approval,
8 together with a statement of the amount approved in the form of an
9 allotment amendment, and transmit one copy to the head of the
10 department, agency, board, or commission authorizing the expenditure.
11 An identical copy of the governor's statement of approval and a
12 statement of the amount approved for expenditure shall be transmitted
13 simultaneously to the joint legislative audit and review committee and
14 also to the standing committee on ways and means of the house and
15 senate of all executive approvals of proposals to expend money in
16 excess of appropriations provided by law.

17 (2) If the governor approves an estimate with transportation
18 funding implications, in whole or part, he or she shall endorse on each
19 copy of the statement his or her approval, together with a statement of
20 the amount approved in the form of an allotment amendment, and transmit
21 one copy to the head of the department, agency, board, or commission
22 authorizing the expenditure. An identical copy of the governor's
23 statement of approval of a proposal to expend transportation money in
24 excess of appropriations provided by law and a statement of the amount
25 approved for expenditure must be transmitted simultaneously to the
26 standing committees on transportation of the house and senate.

27 **Sec. 5151.** RCW 43.79.303 and 1965 c 8 s 43.79.303 are each amended
28 to read as follows:

29 From and after the first day of May, 1955, all warrants drawn on
30 the Central College fund and not presented for payment shall be paid
31 from the general fund, and it shall be the duty of the state treasurer
32 and he or she is hereby directed to pay such warrants when presented
33 from the general fund.

34 **Sec. 5152.** RCW 43.79.313 and 1965 c 8 s 43.79.313 are each amended
35 to read as follows:

1 From and after the first day of May, 1955, all warrants drawn on
2 the Eastern College fund and not presented for payment shall be paid
3 from the general fund, and it shall be the duty of the state treasurer
4 and he or she is hereby directed to pay such warrants when presented
5 from the general fund.

6 **Sec. 5153.** RCW 43.79.323 and 1965 c 8 s 43.79.323 are each amended
7 to read as follows:

8 From and after the first day of May, 1955, all warrants drawn on
9 the Western College fund and not presented for payment shall be paid
10 from the general fund, and it shall be the duty of the state treasurer
11 and he or she is hereby directed to pay such warrants when presented
12 from the general fund.

13 **Sec. 5154.** RCW 43.79.343 and 1965 c 8 s 43.79.343 are each amended
14 to read as follows:

15 From and after the first day of May, 1955, all warrants drawn on
16 the general obligation bond retirement fund and not presented for
17 payment shall be paid from the general fund, and it shall be the duty
18 of the state treasurer and he or she is hereby directed to pay such
19 warrants when presented from the general fund.

20 **Sec. 5155.** RCW 43.79.393 and 1965 c 8 s 43.79.393 are each amended
21 to read as follows:

22 From and after the first day of August, 1957, all warrants drawn on
23 the United States vocational education account in the general fund and
24 not presented for payment shall be paid from the general fund, and it
25 shall be the duty of the state treasurer and he or she is hereby
26 directed to pay such warrants when presented from the general fund.

27 **Sec. 5156.** RCW 43.79A.020 and 1991 sp.s. c 13 s 81 are each
28 amended to read as follows:

29 There is created a trust fund outside the state treasury to be
30 known as the "treasurer's trust fund." All nontreasury trust funds
31 which are in the custody of the state treasurer on April 10, 1973,
32 shall be placed in the treasurer's trust fund and be subject to the
33 terms of this chapter. Funds of the state department of transportation
34 shall be placed in the treasurer's trust fund only if mutually agreed

1 to by the state treasurer and the department. In order to assure an
2 orderly transition to a centralized management system, the state
3 treasurer may place each of such trust funds in the treasurer's trust
4 fund at such times as he or she deems advisable. Except for department
5 of transportation trust funds, all such funds shall be incorporated in
6 the treasurer's trust fund by June 30, 1975. Other funds in the
7 custody of state officials or state agencies may, upon their request,
8 be established as accounts in the treasurer's trust fund with the
9 discretionary concurrence of the state treasurer. All income received
10 from the treasurer's trust fund investments shall be deposited in the
11 investment income account pursuant to RCW 43.79A.040.

12 **Sec. 5157.** RCW 43.80.130 and 1969 ex.s. c 80 s 4 are each amended
13 to read as follows:

14 The fiscal agencies, on the receipt of any moneys transmitted to
15 them by or for this state, or for any affected subdivision, for the
16 purpose of paying therewith any of its bonds or coupons by their terms
17 made payable at the situs of the state of Washington fiscal agencies,
18 shall transmit forthwith to the sender of such moneys a proper receipt
19 therefor; pay such bonds or coupons upon presentation thereof for
20 payment at the office of the fiscal agencies at or after the maturity
21 thereof, in the order of their presentation insofar as the moneys
22 received for that purpose suffice therefor; and cancel all such bonds
23 and coupons upon payment thereof, and thereupon forthwith return the
24 same to the proper officers of this state or affected subdivisions
25 which issued them; and, concerning the same, report to the state and/or
26 affected subdivision within thirty days following a maturity date the
27 amount of bonds and coupons presented and paid to that date: PROVIDED,
28 That nothing herein shall prevent the state or any of the subdivisions
29 thereof from designating its fiscal agencies, or the trustee of any
30 revenue bond issue, or both, also as its agencies for cremation and to
31 provide by agreement therewith, that after one year any general or
32 revenue obligation bonds or interest coupons that have been canceled or
33 paid, may be destroyed as directed by the proper officers of the state
34 or other subdivisions hereinbefore mentioned: PROVIDED FURTHER, That
35 a certificate of destruction giving full descriptive reference to the
36 instruments destroyed shall be made by the person or persons authorized
37 to perform such destruction and one copy of the certificate shall be

1 filed with the treasurer of the state or local subdivisions as
2 applicable. Whenever said treasurer has redeemed any of the bonds or
3 coupons referred to in this section through his or her local office, or
4 whenever such redemption has been performed by the trustee of any
5 revenue bond issue, and the canceled instruments or certificates of
6 transmittal thereafter have been forwarded to said treasurer for
7 recording, such canceled instruments may be forwarded to the fiscal
8 agents designated as agents for cremation for destruction pursuant to
9 any agreements therefor, or said treasurer may, notwithstanding any
10 provision of state statute to the contrary, (~~himself~~) destroy such
11 canceled instruments in the presence of the public officers or boards
12 or their authorized representatives, which by law perform the auditing
13 functions within the state or such political subdivisions as
14 hereinbefore specified: PROVIDED, That he or she and the said auditing
15 officers or boards shall execute a certificate of destruction, giving
16 full descriptive reference to the instruments destroyed, which
17 certificates shall be filed with those of the agencies for cremation
18 herein designated. No certificate required by this section shall be
19 destroyed until all of the bonds and coupons of the issue or series
20 described thereon shall have matured and been paid or canceled.

21 **Sec. 5158.** RCW 43.82.140 and 1965 c 8 s 43.82.140 are each amended
22 to read as follows:

23 The director may, in his or her discretion, obtain fire or other
24 hazard insurance on any building under his or her management.

25 **Sec. 5159.** RCW 43.83B.220 and 1989 c 11 s 17 are each amended to
26 read as follows:

27 In addition to the powers granted by RCW 43.83B.210, the director
28 of the department of ecology or his or her designee is authorized to
29 make contractual agreements in accordance with provisions of this
30 chapter on behalf of the state of Washington. Contractual agreements
31 shall include provisions to secure such loans, and shall assure the
32 proper and timely payment of said loans or loan portions of combination
33 loans and grants.

34 **Sec. 5160.** RCW 43.84.041 and 1965 ex.s. c 104 s 4 are each amended
35 to read as follows:

1 All securities purchased or held on behalf of said funds, shall be
2 held and disbursed through the state treasury and shall be in the
3 physical custody of the state treasurer, who may deposit with the
4 fiscal agent of the state, or with a state depository, such of said
5 securities as he or she shall consider advisable to be held in
6 safekeeping by said agent or bank for collection of principal and
7 interest, or of the proceeds of sale thereof.

8 **Sec. 5161.** RCW 43.84.120 and 1971 ex.s. c 88 s 4 are each amended
9 to read as follows:

10 Whenever there is in any fund or in cash balances in the state
11 treasury more than sufficient to meet the current expenditures properly
12 payable therefrom, and over and above the amount belonging to the
13 permanent school fund as shown by the separation made by the state
14 treasurer, the state treasurer may invest such portion of such funds or
15 balances over and above that belonging to the permanent school fund in
16 registered warrants of the state of Washington at such times and in
17 such amounts, and may sell them at such times, as he or she deems
18 advisable: PROVIDED, That those funds having statutory authority to
19 make investments are excluded from the provisions of RCW 43.84.120.

20 Upon such investment being made, the state treasurer shall pay into
21 the appropriate fund the amount so invested, and the warrants so
22 purchased shall be deposited with the state treasurer, who shall
23 collect all interest and principal payments falling due thereon and
24 allocate the same to the proper fund or funds.

25 **Sec. 5162.** RCW 43.85.070 and 1969 ex.s. c 193 s 18 are each
26 amended to read as follows:

27 The state treasurer may deposit with any qualified public
28 depository which has fully complied with all requirements of law and
29 the regulations of the public deposit protection commission any state
30 moneys in his or her hands or under his or her official control and any
31 sum so on deposit shall be deemed to be in the state treasury, and he
32 or she shall not be liable for any loss thereof resulting from the
33 failure or default of any such depository without fault or neglect on
34 his or her part or on the part of his or her assistants or clerks.

1 **Sec. 5163.** RCW 43.85.190 and 1983 c 66 s 17 are each amended to
2 read as follows:

3 It is the purpose of RCW 43.85.190 through 43.85.230 to authorize
4 the state treasurer to make investment deposits of state moneys or
5 funds in his or her custody in qualified public depositaries at a rate
6 of interest permitted by any applicable statute or regulation.

7 **Sec. 5164.** RCW 43.86A.020 and 1973 c 123 s 2 are each amended to
8 read as follows:

9 After March 19, 1973, the state treasurer shall limit surplus funds
10 held as demand deposits to an amount necessary for current operating
11 expenses including direct warrant redemption payments, investments and
12 revenue collection. The state treasurer may hold such additional funds
13 as demand deposits as he or she deems necessary to insure efficient
14 treasury management.

15 **Sec. 5165.** RCW 43.88.100 and 1965 c 8 s 43.88.100 are each amended
16 to read as follows:

17 The governor may provide for hearings on all agency requests for
18 expenditures to enable him or her to make determinations as to the
19 need, value or usefulness of activities or programs requested by
20 agencies. The governor may require the attendance of proper agency
21 officials at his or her hearings and it shall be their duty to disclose
22 such information as may be required to enable the governor to arrive at
23 his or her final determination.

24 **Sec. 5166.** RCW 43.89.040 and 1965 ex.s. c 60 s 1 are each amended
25 to read as follows:

26 The powers, duties, and functions of the director of budget
27 relating to the state teletypewriter communication network are
28 transferred to the chief of the Washington state patrol. All existing
29 contracts, orders, rules, regulations, records, and obligations
30 together with communications equipment, motor vehicles, and any other
31 property, device, or thing and any remaining appropriation pertaining
32 to such communication network shall be transferred by the director of
33 budget or his or her agent to the chief of the Washington state patrol
34 as of July 1, 1965.

1 **Sec. 5167.** RCW 43.101.040 and 1974 ex.s. c 94 s 4 are each amended
2 to read as follows:

3 All members appointed to the commission by the governor shall be
4 appointed for terms of six years, such terms to commence on July first,
5 and expire on June thirtieth: PROVIDED, That of the members first
6 appointed three shall be appointed for two year terms, three shall be
7 appointed for four year terms, and three shall be appointed for six
8 year terms: PROVIDED, FURTHER, That the terms of the two members
9 appointed as incumbent police chiefs shall not expire in the same year
10 nor shall the terms of the two members appointed as representing
11 correctional systems expire in the same year nor shall the terms of the
12 two members appointed as incumbent sheriffs expire in the same year.
13 Any member chosen to fill a vacancy created otherwise than by
14 expiration of term shall be appointed for the unexpired term of the
15 member he or she is to succeed. Any member may be reappointed for
16 additional terms.

17 **Sec. 5168.** RCW 43.101.050 and 1974 ex.s. c 94 s 5 are each amended
18 to read as follows:

19 Any member of the commission appointed pursuant to RCW 43.101.030
20 as an incumbent official or as an employee in a correctional system, as
21 the case may be, shall immediately upon the termination of his or her
22 holding of said office or employment, cease to be a member of the
23 commission.

24 **Sec. 5169.** RCW 43.101.070 and 1984 c 287 s 85 are each amended to
25 read as follows:

26 Members of the commission shall be compensated in accordance with
27 RCW 43.03.240 and shall be reimbursed for their travel expenses
28 incurred in the performance of their duties in accordance with RCW
29 43.03.050 and 43.03.060. Attendance at meetings of the commission
30 shall be deemed performance by a member of the duties of his or her
31 employment.

32 **Sec. 5170.** RCW 43.115.040 and 1993 c 261 s 3 are each amended to
33 read as follows:

34 The commission shall have the following powers and duties:

35 (1) Elect one of its members to serve as (~~chairman~~) chair;

- 1 (2) Adopt rules and regulations pursuant to chapter 34.05 RCW;
- 2 (3) Examine and define issues pertaining to the rights and needs of
- 3 Hispanics, and make recommendations to the governor and state agencies
- 4 for changes in programs and laws;
- 5 (4) Advise the governor and state agencies on the development and
- 6 implementation of policies, plans, and programs that relate to the
- 7 special needs of Hispanics;
- 8 (5) Advise the legislature on issues of concern to the Hispanic
- 9 community;
- 10 (6) Establish relationships with state agencies, local governments,
- 11 and private sector organizations that promote equal opportunity and
- 12 benefits for Hispanics; and
- 13 (7) Receive gifts, grants, and endowments from public or private
- 14 sources that are made for the use or benefit of the commission and
- 15 expend, without appropriation, the same or any income from the gifts,
- 16 grants, or endowments according to their terms.

17 **Sec. 5171.** RCW 43.117.040 and 1982 c 68 s 1 are each amended to
18 read as follows:

19 (1) The commission shall consist of twelve members appointed by the
20 governor. In making such appointments, the governor shall give due
21 consideration to recommendations submitted to him or her by the
22 commission. The governor may also consider nominations of members made
23 by the various Asian-American organizations in the state. The governor
24 shall consider nominations for membership based upon maintaining a
25 balanced distribution of Asian-ethnic, geographic, sex, age, and
26 occupational representation, where practicable.

27 (2) Appointments shall be for three years except in case of a
28 vacancy, in which event appointment shall be only for the remainder of
29 the unexpired term for which the vacancy occurs. Vacancies shall be
30 filled in the same manner as the original appointments.

31 (3) Members shall receive reimbursement for travel expenses
32 incurred in the performance of their duties in accordance with RCW
33 43.03.050 and 43.03.060 as now existing or hereafter amended.

34 (4) Seven members shall constitute a quorum for the purpose of
35 conducting business.

36 (5) The governor shall appoint an executive director based upon
37 recommendations made by the council.

1 **Sec. 5172.** RCW 43.117.050 and 1974 ex.s. c 140 s 5 are each
2 amended to read as follows:

3 The commission shall:

4 (1) Elect one of its members to serve as (~~chairman~~) chair; and
5 also such other officers as necessary to form an executive committee;

6 (2) Adopt rules and regulations pursuant to chapter 34.05 RCW;

7 (3) Meet at the call of the (~~chairman~~) chair or the call of a
8 majority of its members, but in no case less often than once during any
9 three month period;

10 (4) Be authorized to appoint such citizen task force as it deems
11 appropriate.

12 **Sec. 5173.** RCW 43.117.090 and 1974 ex.s. c 140 s 9 are each
13 amended to read as follows:

14 (1) The commission may for the purpose of carrying out the purposes
15 of this chapter hold such public hearings, sit and act at such times
16 and places, take such testimony, and receive such evidence, as the
17 commission may deem advisable. The commission may administer oaths or
18 affirmations to witnesses appearing before it. At least five members
19 of the commission must be present to conduct a hearing.

20 (2) The commission may secure directly from any department or
21 agency of the state information necessary to enable it to carry out the
22 purposes of this chapter. Upon request of the (~~chairman~~) chair of
23 the commission, the head of such department or agency shall furnish
24 such information to the commission.

25 **Sec. 5174.** RCW 43.126.025 and 1983 c 273 s 2 are each amended to
26 read as follows:

27 There is hereby created a Washington state board on geographic
28 names composed of:

29 (1) The state librarian or a representative;

30 (2) The commissioner of public lands or a representative;

31 (3) The (~~chairperson~~) chair of the Washington state heritage
32 council created by 1983 law; and

33 (4) Four members from the general public to be appointed by the
34 commissioner of public lands.

35 The commissioner of public lands or his or her representative shall
36 be (~~chairman~~) chair of the board.

1 The members of the initial board to be appointed by the
2 commissioner shall be appointed as follows: One member for a one-year
3 term, one member for a two-year term, one member for a three-year term,
4 and one member for a four-year term. Thereafter, each member shall be
5 appointed for a three-year term. Each member of the board shall
6 continue in office until a successor is appointed.

7 **Sec. 5175.** RCW 43.126.065 and 1983 c 273 s 6 are each amended to
8 read as follows:

9 (1) The board shall hold at least two meetings each year, and shall
10 hold special meetings as called by the ((~~chairman~~)) chair or a majority
11 of the board.

12 (2) All meetings shall be open to the public.

13 (3) Notice of all board meetings shall be as provided in RCW
14 42.30.080. This notice includes those names to be considered by the
15 board and those names to be adopted by the board.

16 (4) Four board members shall constitute a quorum.

17 (5) The board shall establish rules for the conduct of its affairs
18 and to carry out the purposes of this chapter.

19 (6) The department of natural resources shall furnish secretarial
20 and administrative services and shall serve as custodian of the
21 records.

22 (7) All geographic names adopted by the board shall be published in
23 the Washington State Register.

24 **Sec. 5176.** RCW 43.130.040 and 1973 2nd ex.s. c 37 s 4 are each
25 amended to read as follows:

26 In order to carry out the purposes of this chapter, the state shall
27 take every reasonable step at its disposal to provide alternative
28 employment and to minimize the economic loss of state employees
29 affected by the closure of state facilities. Affected state employees
30 shall be paid benefits as specified in this section.

31 (1) Relocation expenses covering the movement of household goods,
32 incurred by the necessity of an employee moving his or her domicile to
33 be within reasonable commuting distance of a new job site, shall be
34 paid by the state to employees transferring to other state employment
35 by reason of the closure of a facility.

1 (2) Relocation leave shall be allowed up to five working days'
2 leave with pay for the purpose of locating new residence in the area of
3 employment.

4 (3) The state shall reimburse the transferring employee to the
5 extent of any unavoidable financial loss suffered by an employee who
6 sells his or her home at a price less than the true and fair market
7 value as determined by the county assessor not exceeding three thousand
8 dollars: PROVIDED, That this right of reimbursement must be exercised,
9 and sale of the property must be accomplished, within a period of two
10 years from the date other state employment is accepted.

11 (4) For employees in facilities which have been terminated who do
12 not choose to participate in the transfer program set forth in the
13 preceding subsections, the following terminal pay plan shall be
14 available:

15 (a) For qualifying employees, for each one year of continuous state
16 service, one week (five working days) of regular compensation shall be
17 provided.

18 (b) Regular compensation as used in subsection (a) hereof shall
19 include salary compensation at the rate being paid to the employees at
20 the time operation of the facility is terminated.

21 (c) Terminal pay as set forth in subsections (a) and (b) hereof
22 shall be paid to the employee at the termination of the employees last
23 month of employment or within thirty days after the effective date of
24 this 1973 act, whichever is later: PROVIDED, That from the total
25 amount of terminal pay, the average sum of unemployment compensation
26 that the qualifying employee is eligible to receive multiplied by the
27 total number of weeks of terminal pay minus one week shall be deducted.

28 (d) Those employees electing the early retirement benefits as
29 stated in subsection (5) of this section shall not be eligible for the
30 terminal pay provisions as set forth in this subsection.

31 (e) Those employees who are reemployed by the state during the
32 period they are receiving terminal pay pursuant to subsections (a), (b)
33 and (c) of this section shall reimburse the state for that portion of
34 the terminal pay covered by the period of new employment.

35 (5) As an option to transferring to other state employment an
36 employee may elect early retirement under the following conditions:

37 (a) Notwithstanding the age requirements of RCW 41.40.180, any
38 affected employee under this chapter who has attained the age of fifty-

1 five years, with at least five years creditable service, shall be
2 immediately eligible to retire, with no actuarial reduction in the
3 amount of his or her pension benefit.

4 (b) Notwithstanding the age requirements of RCW 41.40.180, any
5 affected employee under this chapter who has attained the age of forty-
6 five years, with at least five years creditable service, shall be
7 immediately eligible to retire with an actuarial reduction in the
8 amount of his or her pension benefit of three percent for each complete
9 year that such employee is under fifty-five years of age.

10 (c) Employees who elect to retire pursuant to RCW 41.40.180 shall
11 be eligible to retire while on authorized leave of absence not in
12 excess of one hundred and twenty days.

13 (d) Employees who elect to retire under the provisions of this
14 section shall not be eligible for any retirement benefit in a year
15 following a year in which their employment income was in excess of six
16 thousand dollars. This six thousand dollars base shall be adjusted
17 annually beginning in 1974 by such cost of living adjustments as are
18 applied by the public employees' retirement system to membership
19 retirement benefits. The public employees retirement system board
20 shall adopt necessary rules and regulations to implement the provisions
21 of this subsection.

22 **Sec. 5177.** RCW 43.130.050 and 1973 2nd ex.s. c 37 s 5 are each
23 amended to read as follows:

24 (~~(1)~~) Notwithstanding any other provision of this chapter
25 employees affected by the closure of a state facility as defined in RCW
26 43.130.020(2) who were employed as of May 1, 1973 at such facility, and
27 who are still in employment of the state or on an official leave of
28 absence as of September 26, 1973, who would otherwise qualify for the
29 enumerated benefits of this chapter are hereby declared eligible for
30 such benefits under the following conditions:

31 (~~(a)~~) (1) Such employee must be actively employed by the state of
32 Washington or on an official leave of absence on September 26, 1973,
33 and unless the early retirement or terminal pay provisions of this
34 chapter are elected, continue to be employed or to be available for
35 employment in a same or like job classification at not less than one
36 full range lower than the same salary range for a period of at least
37 thirty days thereafter;

1 ~~((b))~~ (2) Such employee must give written notice of his or her
2 election to avail himself or herself of such benefits within thirty
3 days after the passage of this 1973 act or upon closure of the
4 institution, whichever is later.

5 **Sec. 5178.** RCW 43.336.020 and 2007 c 228 s 102 are each amended to
6 read as follows:

7 (1) The Washington tourism commission is created.

8 (2) The commission shall be cochaired by the director of the
9 department or the director's designee, and by an industry-member
10 representative who is elected by the commission members.

11 (3) The commission shall have nineteen members. In appointing
12 members, the governor shall endeavor to balance the geographic and
13 demographic composition of the commission to include members with
14 special expertise from tourism organizations, local jurisdictions, and
15 small businesses directly engaged in tourism-related activities.
16 Before making appointments to the Washington tourism commission, the
17 governor shall consider nominations from recognized organizations that
18 represent the entities or interests identified in this section.
19 Commission members shall be appointed by the governor as follows:

20 (a) Three members to represent the lodging industry, at least two
21 of which shall be chosen from a list of three nominees per position
22 submitted by the state's largest lodging industry trade association.
23 Members should represent all property categories and different regions
24 of the state;

25 (b) Three representatives from nonprofit destination marketing
26 organizations or visitor and convention bureaus;

27 (c) Three industry representatives from the arts, entertainment,
28 attractions, or recreation industry;

29 (d) Four private industry representatives, two from each of the
30 business categories in this subsection:

31 (i) The food, beverage, and wine industries; and

32 (ii) The travel and transportation industries;

33 (e) Four legislative members, one from each major caucus of the
34 senate, designated by the president of the senate, and one from each
35 major caucus of the house of representatives, designated by the speaker
36 of the house of representatives;

1 (f) The ((~~chairman~~)) chair of the Washington convention and trade
2 center; and

3 (g) The director or the director's designee.

4 (4)(a) Terms of nonlegislative members shall be three years, except
5 that initial terms shall be staggered such that terms of one-third of
6 the initial members shall expire each year.

7 (b) Terms of legislative members shall be two years.

8 (c) Vacancies shall be appointed in the same manner as the original
9 appointment.

10 (d) A member appointed by the governor may not be absent from more
11 than fifty percent of the regularly scheduled meetings in any one
12 calendar year. Any member who exceeds this absence limitation is
13 deemed to have withdrawn from the office and may be replaced by the
14 governor.

15 (5) Members shall be reimbursed for travel expenses as provided in
16 RCW 43.03.050 and 43.03.060.

17 (6) The commission shall meet at least four times per year, but may
18 meet more frequently as necessary.

19 (7) A majority of members currently appointed constitutes a quorum.

20 (8) Staff support shall be provided by the department, and staff
21 shall report to the executive director.

22 (9) The director, in consultation with the commission, shall
23 appoint an executive director.

24 (10) The commission may adopt rules under chapter 34.05 RCW as
25 necessary to carry out the purposes of this chapter.

26 **PART VI**

27 **Sec. 6001.** RCW 44.04.100 and 1927 c 205 s 1 are each amended to
28 read as follows:

29 Any person desiring to contest the election of any member of the
30 legislature, may, at any time after the presumptive election of such
31 member and before the convening of the ensuing regular session of the
32 legislature, have the testimony of witnesses, to be used in support of
33 such contest, taken and perpetuated, by serving not less than three
34 days' written notice upon the member whose election he or she desires
35 to contest, of his or her intention to institute such contest and that
36 he or she desires to take the testimony of certain witnesses named in

1 such notice, at a time and place named therein, before a notary public
2 duly commissioned and qualified and residing in the county where the
3 presumptive member resides, giving the name of such notary public,
4 which deposition shall be taken in the manner provided by law for the
5 taking of depositions in civil actions in the superior court. The
6 presumptive member of the legislature, whose election is to be
7 contested, shall have the right to appear, in person or by counsel, at
8 the time and place named in the notice, and cross examine any witness
9 produced and have such cross examination made a part of such
10 deposition, and to produce witnesses and have their depositions taken
11 for the purpose of sustaining his or her election. The notary public
12 before whom such deposition is taken shall transmit such depositions to
13 the presiding officer of the senate, or house of representatives, as
14 the case may be, in which said contest is to be instituted, in the care
15 of the secretary of state, at the state capitol, by registered mail,
16 and it shall be the duty of the secretary of state upon the convening
17 of the legislature to transmit said depositions, unopened, to the
18 presiding officer of the senate, or the house of representatives, as
19 the case may be, to whom it is addressed, and in case such contest is
20 instituted said depositions may be opened and read in evidence in the
21 manner provided by law for the opening and introduction of depositions
22 in civil actions in the superior court.

23 **Sec. 6002.** RCW 44.04.120 and 1985 c 3 s 1 are each amended to read
24 as follows:

25 Each member of the senate or house of representatives when serving
26 on official legislative business shall be entitled to receive, in lieu
27 of per diem or any other payment, for each day or major portion thereof
28 in which he or she is actually engaged in legislative business or
29 business of the committee, commission, or council, notwithstanding any
30 laws to the contrary, an allowance in an amount fixed by the secretary
31 of the senate and chief clerk of the house, respectively, in accordance
32 with applicable rules and resolutions of each body. Such allowance
33 shall be reasonably calculated to reimburse expenses, exclusive of
34 mileage, which are ordinary and necessary in the conduct of legislative
35 business, recognizing cost variances which are encountered in different
36 locales. The allowance authorized shall not exceed the greater of
37 forty-four dollars per day or the maximum daily amount determined under

1 RCW 43.03.050, as now or hereafter amended. In addition, a mileage
2 allowance shall be paid at the rate per mile provided for in RCW
3 43.03.060, as now or hereafter amended, when authorized by the house,
4 committee, commission, or council of which he or she is a member and on
5 the business of which he or she is engaged.

6 **Sec. 6003.** RCW 44.16.010 and 1895 c 6 s 1 are each amended to read
7 as follows:

8 Every ((~~chairman~~)) chair or presiding member of any committee of
9 either the senate or house of representatives, or any joint committee
10 of the senate or house of representatives, which, by the terms of its
11 appointment, shall be authorized to send for persons and papers, shall
12 have power, under the direction of such committee, to issue compulsory
13 process for the attendance of any witness within the state whom the
14 committee may wish to examine.

15 **Sec. 6004.** RCW 44.16.030 and 1895 c 6 s 2 are each amended to read
16 as follows:

17 The ((~~chairman~~)) chair or presiding member of any committee of
18 either the senate, house of representatives, or any joint committee
19 thereof, shall be authorized to administer oaths to all witnesses
20 coming before such committee for examination; and all witnesses who
21 shall testify in any proceeding provided for in this chapter, shall be
22 under oath or affirmation.

23 **Sec. 6005.** RCW 44.16.040 and 1895 c 6 s 3 are each amended to read
24 as follows:

25 Every such ((~~chairman~~)) chair or presiding member shall also have
26 power, under the direction of the committee, to issue a commission for
27 the examination of any witness who shall be without the jurisdiction of
28 the state, or if within the state, shall be unable to attend, or who
29 shall, for any reasons, be excused by the committee from attendance.

30 **Sec. 6006.** RCW 44.16.070 and 1895 c 6 s 6 are each amended to read
31 as follows:

32 The person to whom such commission shall be directed, if he or she
33 reside within the state and accept the trust, shall, before entering
34 upon the execution of his or her duties, take the oath of office

1 prescribed in the Constitution. Such commissioner shall have power to
2 issue process to compel the attendance of witnesses, whom he or she
3 shall be required to examine, and shall have power to administer oaths
4 to such witnesses.

5 **Sec. 6007.** RCW 44.16.080 and 1895 c 6 s 7 are each amended to read
6 as follows:

7 Unless otherwise directed by the committee, it shall in all cases
8 be the duty of the commissioner to examine, in private, every witness
9 attending before him or her, and not to make public the particulars of
10 such examination, when so made in private, until the same shall be made
11 public by order of the house or legislature appointing the committee.

12 **Sec. 6008.** RCW 44.16.090 and 1895 c 6 s 8 are each amended to read
13 as follows:

14 Every witness so attending shall be examined on oath or
15 affirmation, and his or her testimony shall be reduced to writing by
16 the commissioner, or by some disinterested person in his or her
17 presence and under the direction of said commissioner, and signed by
18 the witness.

19 **Sec. 6009.** RCW 44.16.100 and 1895 c 6 s 9 are each amended to read
20 as follows:

21 When a commission shall have been duly executed, the commissioner
22 shall annex thereto the depositions of the witnesses, duly certified by
23 him or her, and shall, without delay, transmit the same by mail,
24 inclosed and under seal, or deliver the same, to the (~~chairman~~) chair
25 of the committee by which the commission shall have been issued, or to
26 such person as by the committee directed.

27 **Sec. 6010.** RCW 44.16.120 and 1897 c 33 s 1 are each amended to
28 read as follows:

29 Any person who shall fail to attend as a witness upon any committee
30 appointed by either the house or senate of the state of Washington, or
31 both, after having been duly subpoenaed as provided in this chapter, or
32 who, being in attendance as a witness before such committee, shall
33 refuse to answer any question or produce any paper or document or book
34 which he or she is required to answer or to produce by such committee,

1 shall be deemed guilty of a misdemeanor, and upon conviction thereof
2 shall be fined in any sum not exceeding five hundred dollars, or by
3 imprisonment in the county jail for a term not longer than six months,
4 or by both such fine and imprisonment.

5 **Sec. 6011.** RCW 44.16.140 and 1895 c 6 s 12 are each amended to
6 read as follows:

7 A person who, being present before either house of the legislature,
8 or any committee or joint committee thereof, or commissioner authorized
9 to summon witnesses, wilfully refuses to be sworn or affirmed, or to
10 answer any material and proper question, or to produce, upon reasonable
11 notice, any material and proper books, papers or documents in his or
12 her possession or under his or her control, shall be punished as for
13 contempt, as hereinafter provided.

14 **Sec. 6012.** RCW 44.16.160 and 1895 c 6 s 14 are each amended to
15 read as follows:

16 If any fine is imposed against any person for contempt, as
17 hereinbefore provided, he or she shall stand committed to the county
18 jail of the county in which the offense was committed until such fine
19 is paid. The presiding officer of the house, fixing the fine, shall
20 issue a warrant to the sheriff of the county where the offense was
21 committed, commanding him or her to imprison such person in the county
22 jail until such fine is paid, or until he or she has been imprisoned in
23 such jail one day for every three dollars of such fine.

24 **Sec. 6013.** RCW 44.16.170 and 1895 c 6 s 16 are each amended to
25 read as follows:

26 Every such committee shall keep a record of its proceedings under
27 the provisions of this chapter, which record shall be signed by the
28 ((~~chairman~~)) chair or presiding officer of the committee, and the same
29 returned to the legislative body by which the committee was appointed,
30 as a part of the report of such committee.

31 **Sec. 6014.** RCW 44.20.060 and 1969 c 6 s 5 are each amended to read
32 as follows:

33 In arranging the laws, memorials and resolutions for publication,
34 the code reviser is hereby authorized to make such corrections in the

1 orthography, clerical errors and punctuation of the same as in his or
2 her judgment shall be deemed essential: PROVIDED, That when any words
3 or clauses shall be inserted, the same shall be inclosed in brackets;
4 and no correction shall be made which changes the intent or meaning of
5 any sentence, section or act of the legislature.

6 **Sec. 6015.** RCW 44.39.050 and 1979 c 151 s 156 are each amended to
7 read as follows:

8 All expenses incurred by the committee, including salaries and
9 expenses of employees, shall be paid upon voucher forms as provided by
10 the director of financial management and signed by the (~~chairman~~)
11 chair of the committee. Vouchers may be drawn upon funds appropriated
12 generally by the legislature for legislative expenses or upon any
13 special appropriation which may be provided by the legislature for the
14 expenses of the committee.

15 **Sec. 6016.** RCW 44.39.060 and 1977 ex.s. c 328 s 17 are each
16 amended to read as follows:

17 In the discharge of any duty imposed by this chapter, the committee
18 or any personnel acting under its direction shall have the authority to
19 examine and inspect all properties, equipment, facilities, files,
20 records, and accounts of any state office, department, institution,
21 board, committee, commission, or agency; to administer oaths; and to
22 issue subpoenas, upon approval of a majority of the members of the
23 house or senate rules committee, to compel the attendance of witnesses
24 and the production of any papers, books, accounts, documents, and
25 testimony, and to cause the deposition of witnesses, either residing
26 within or without the state, to be taken in the manner prescribed by
27 law for taking depositions in civil actions in the superior courts.

28 In case of the failure of any person to comply with any subpoena
29 issued in behalf of the committee, or on the refusal of any witness to
30 testify to any matters regarding which he or she may be lawfully
31 interrogated, it shall be the duty of the superior court of any county,
32 or of the judge thereof, on application of the committee, to compel
33 obedience by proceedings for contempt, as in the case of disobedience
34 of the requirements of a subpoena issued from such court or a refusal
35 to testify therein.

1 Each witness who appears before the committee by its order, other
2 than a state official or employee, shall receive for his attendance the
3 fees and mileage provided for witnesses in civil cases in courts of
4 record, which shall be audited and paid upon the presentation of proper
5 vouchers signed by such witness and approved by the ((~~chairman~~)) chair
6 of the committee.

7 **Sec. 6017.** RCW 44.48.050 and 2001 c 259 s 13 are each amended to
8 read as follows:

9 Subject to RCW 44.04.260, all expenses incurred by the committee,
10 including salaries and expenses of employees, shall be paid upon
11 voucher forms as provided by the administrator and signed by the
12 ((~~chairman~~)) chair or vice ((~~chairman~~)) chair of the committee and
13 attested by the secretary of said committee, and the authority of said
14 ((~~chairman~~)) chair and secretary to sign vouchers shall continue until
15 their successors are selected after each ensuing session of the
16 legislature. Vouchers may be drawn on funds appropriated by law for
17 the committee: PROVIDED, That the senate and the house may authorize
18 the committee to draw on funds appropriated by the legislature for
19 legislative expenses.

20 **Sec. 6018.** RCW 44.48.060 and 1977 ex.s. c 373 s 6 are each amended
21 to read as follows:

22 The committee shall have the power and duty to appoint its own
23 ((~~chairman~~)) chair, vice ((~~chairman~~)) chair, and other officers; and to
24 make rules for orderly procedure.

25 **Sec. 6019.** RCW 44.48.110 and 1977 ex.s. c 373 s 11 are each
26 amended to read as follows:

27 Each person who appears before the committee, other than a state
28 official or employee, may upon request receive for attendance the fees
29 and mileage provided for witnesses in civil cases in courts of record
30 in accordance with the provisions of RCW 2.40.010, which shall be
31 audited and paid upon the presentation of proper vouchers signed by
32 such person and approved by the secretary and ((~~chairman~~)) chair of the
33 committee.

PART VII

Sec. 7001. RCW 48.02.010 and 1947 c 79 s .02.01 are each amended to read as follows:

(1) There shall be an insurance commissioner of this state who shall be elected at the time and in the manner that other state officers are elected.

(2) The commissioner in office at the effective date of this code shall continue in office for the remainder of the term for which he or she was elected and until his or her successor is duly elected and qualified.

(3) "Commissioner," where used in this code, means the insurance commissioner of this state.

Sec. 7002. RCW 48.02.020 and 1947 c 79 s .02.02 are each amended to read as follows:

The term of office of the commissioner shall be four years, commencing on the Wednesday after the second Monday in January after his or her election.

Sec. 7003. RCW 48.02.030 and 1947 c 79 s .02.03 are each amended to read as follows:

Before entering upon his or her duties the commissioner shall execute a bond to the state in the sum of twenty-five thousand dollars, to be approved by the state treasurer and the attorney general, conditioned upon the faithful performance of the duties of his or her office.

Sec. 7004. RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to read as follows:

(1) The commissioner shall have the authority expressly conferred upon him by or reasonably implied from the provisions of this code.

(2) The commissioner shall execute his duties and shall enforce the provisions of this code.

(3) The commissioner may:

(a) Make reasonable rules and regulations for effectuating any provision of this code, except those relating to his or her election, qualifications, or compensation. No such rules and regulations shall

1 be effective prior to their being filed for public inspection in the
2 commissioner's office.

3 (b) Conduct investigations to determine whether any person has
4 violated any provision of this code.

5 (c) Conduct examinations, investigations, hearings, in addition to
6 those specifically provided for, useful and proper for the efficient
7 administration of any provision of this code.

8 **Sec. 7005.** RCW 48.02.080 and 1967 c 150 s 1 are each amended to
9 read as follows:

10 (1) The commissioner may prosecute an action in any court of
11 competent jurisdiction to enforce any order made by him or her pursuant
12 to any provision of this code.

13 (2) If the commissioner has cause to believe that any person has
14 violated any penal provision of this code or of other laws relating to
15 insurance he or she shall certify the facts of the violation to the
16 public prosecutor of the jurisdiction in which the offense was
17 committed.

18 (3) If the commissioner has cause to believe that any person is
19 violating or is about to violate any provision of this code or any
20 regulation or order of the commissioner, he or she may:

21 (a) issue a cease and desist order; and/or

22 (b) bring an action in any court of competent jurisdiction to
23 enjoin the person from continuing the violation or doing any action in
24 furtherance thereof.

25 (4) The attorney general and the several prosecuting attorneys
26 throughout the state shall prosecute or defend all proceedings brought
27 pursuant to the provisions of this code when requested by the
28 commissioner.

29 **Sec. 7006.** RCW 48.02.090 and 1949 c 190 s 1 are each amended to
30 read as follows:

31 (1) The commissioner may appoint a chief deputy commissioner, who
32 shall have power to perform any act or duty conferred upon the
33 commissioner. The chief deputy commissioner shall take and subscribe
34 the same oath of office as the commissioner, which oath shall be
35 endorsed upon the certificate of his or her appointment and filed in
36 the office of the secretary of state.

1 (2) The commissioner may appoint additional deputy commissioners
2 for such purposes as he or she may designate.

3 (3) The commissioner shall be responsible for the official acts of
4 his or her deputies, and may revoke at will the appointment of any
5 deputy.

6 (4) The commissioner may employ examiners, and such actuarial,
7 technical, and administrative assistants and clerks as he or she may
8 need for proper discharge of his or her duties.

9 (5) The commissioner, or any deputy or employee of the
10 commissioner, shall not be interested, directly or indirectly, in any
11 insurer except as a policyholder; except, that as to such matters
12 wherein a conflict of interests does not exist on the part of any such
13 person, the commissioner may employ insurance actuaries or other
14 technicians who are independently practicing their professions even
15 though such persons are similarly employed by insurers.

16 (6) The commissioner may require any deputy or employee to be
17 bonded as he or she shall deem proper but not to exceed in amount the
18 sum of twenty-five thousand dollars. The cost of any such bond shall
19 be borne by the state.

20 **Sec. 7007.** RCW 48.02.100 and 1947 c 79 s .02.10 are each amended
21 to read as follows:

22 Any power or duty vested in the commissioner by any provision of
23 this code may be exercised or discharged by any deputy, assistant,
24 examiner, or employee of the commissioner acting in his or her name and
25 by his or her authority.

26 **Sec. 7008.** RCW 48.02.110 and 1947 c 79 s .02.11 are each amended
27 to read as follows:

28 The commissioner shall have an office at the state capital, and may
29 maintain such offices elsewhere in this state as he or she may deem
30 necessary.

31 **Sec. 7009.** RCW 48.02.130 and 1947 c 79 s .02.13 are each amended
32 to read as follows:

33 (1) Any certificate or license issued by the commissioner shall
34 bear the seal of his or her office.

1 (2) Copies of records or documents in his or her office certified
2 to by the commissioner shall be received as evidence in all courts in
3 the same manner and to the same effect as if they were the originals.

4 (3) When required for evidence in court, the commissioner shall
5 furnish his or her certificate as to the authority of an insurer or
6 other licensee in this state on any particular date, and the court
7 shall receive the certificate in lieu of the commissioner's testimony.

8 **Sec. 7010.** RCW 48.02.140 and 1947 c 79 s .02.14 are each amended
9 to read as follows:

10 (1) The commissioner shall to the extent he or she deems useful for
11 the proper discharge of his or her responsibilities under the
12 provisions of this code:

13 (a) Consult and cooperate with the public officials having
14 supervision over insurance in other states.

15 (b) Share jointly with other states in the employment of actuaries,
16 statisticians, and other insurance technicians whose services or the
17 products thereof are made available and are useful to the participating
18 states and to the commissioner.

19 (c) Share jointly with other states in establishing and maintaining
20 offices and clerical facilities for purposes useful to the
21 participating states and to the commissioner.

22 (2) All arrangements made jointly with other states under items (b)
23 and (c) of subsection (1) of this section shall be in writing executed
24 on behalf of this state by the commissioner. Any such arrangement, as
25 to participation of this state therein, shall be subject to termination
26 by the commissioner at any time upon reasonable notice.

27 (3) For the purposes of this code "National Association of
28 Insurance Commissioners" means that voluntary organization of the
29 public officials having supervision of insurance in the respective
30 states, districts, and territories of the United States, whatever other
31 name such organization may hereafter adopt, and in the affairs of which
32 each of such public officials is entitled to participate subject to the
33 constitution and bylaws of such organization.

34 **Sec. 7011.** RCW 48.02.150 and 1947 c 79 s .02.15 are each amended
35 to read as follows:

1 The commissioner shall purchase at the expense of the state and in
2 the manner provided by law:

3 (1) Printing, books, reports, furniture, equipment, and supplies as
4 he or she deems necessary to the proper discharge of his or her duties
5 under this code.

6 (2) "Convention form" insurers' annual statement blanks, which he
7 or she may purchase from any printer manufacturing the forms for the
8 various states.

9 **Sec. 7012.** RCW 48.02.170 and 1987 c 505 s 53 are each amended to
10 read as follows:

11 The commissioner shall, as soon as accurate preparation enables,
12 prepare a report of his or her official transactions during the
13 preceding fiscal year, containing information relative to insurance as
14 the commissioner deems proper.

15 **Sec. 7013.** RCW 48.03.030 and 1947 c 79 s .03.03 are each amended
16 to read as follows:

17 (1) Every person being examined, its officers, employees, and
18 representatives shall produce and make freely accessible to the
19 commissioner the accounts, records, documents, and files in his or her
20 possession or control relating to the subject of the examination, and
21 shall otherwise facilitate the examination.

22 (2) If the commissioner finds the accounts to be inadequate, or
23 improperly kept or posted, he or she may employ experts to rewrite,
24 post or balance them at the expense of the person being examined.

25 **Sec. 7014.** RCW 48.04.030 and 1947 c 79 s .04.03 are each amended
26 to read as follows:

27 The hearing shall be held at the place designated by the
28 commissioner, and at his or her discretion it may be open to the
29 public.

30 **Sec. 7015.** RCW 48.05.110 and 1947 c 79 s .05.11 are each amended
31 to read as follows:

32 If the commissioner finds that an insurer has met the requirements
33 for and is fully entitled thereto under this code, he or she shall
34 issue to it a proper certificate of authority. If the commissioner

1 does not so find, the authority shall be refused within a reasonable
2 length of time following completion by the insurer of the application
3 therefor.

4 **Sec. 7016.** RCW 48.05.150 and 1947 c 79 s .05.15 are each amended
5 to read as follows:

6 The commissioner shall give an insurer notice of his or her
7 intention to suspend, revoke, or refuse to renew its certificate of
8 authority not less than ten days before the order of suspension,
9 revocation or refusal is to become effective; except that no advance
10 notice of intention is required where the order results from a domestic
11 insurer's failure to make good a deficiency of assets as required by
12 the commissioner.

13 **Sec. 7017.** RCW 48.05.160 and 1947 c 79 s .05.16 are each amended
14 to read as follows:

15 The commissioner shall not suspend an insurer's certificate of
16 authority for a period in excess of one year, and he or she shall state
17 in his or her order of suspension the period during which it shall be
18 effective.

19 **Sec. 7018.** RCW 48.05.210 and 1981 c 339 s 3 are each amended to
20 read as follows:

21 (1) Duplicate copies of legal process against an insurer for whom
22 the commissioner is attorney shall be served upon him or her either by
23 a person competent to serve a summons, or by registered mail. At the
24 time of service the plaintiff shall pay to the commissioner ten
25 dollars, taxable as costs in the action.

26 (2) The commissioner shall forthwith send one of the copies of the
27 process, by registered mail with return receipt requested, to the
28 person designated for the purpose by the insurer in its most recent
29 such designation filed with the commissioner.

30 (3) The commissioner shall keep a record of the day and hour of
31 service upon him or her of all legal process. No proceedings shall be
32 had against the insurer, and the insurer shall not be required to
33 appear, plead, or answer until the expiration of forty days after the
34 date of service upon the commissioner.

1 **Sec. 7019.** RCW 48.05.290 and 1947 c 79 s .05.29 are each amended
2 to read as follows:

3 (1) No insurer shall withdraw from this state until its direct
4 liability to its policyholders and obligees under all its insurance
5 contracts then in force in this state has been assumed by another
6 authorized insurer under an agreement approved by the commissioner. In
7 the case of a life insurer, its liability pursuant to contracts issued
8 in this state in settlement of proceeds under its policies shall
9 likewise be so assumed.

10 (2) The commissioner may waive this requirement if he or she finds
11 upon examination that a withdrawing insurer is then fully solvent and
12 that the protection to be given its policyholders in this state will
13 not be impaired by the waiver.

14 (3) The assuming insurer shall within a reasonable time replace the
15 assumed insurance contracts with its own, or by endorsement thereon
16 acknowledge its liability thereunder.

17 **Sec. 7020.** RCW 48.05.370 and 1969 ex.s. c 241 s 1 are each amended
18 to read as follows:

19 Officers and directors of an insurer or a corporation holding a
20 controlling interest in an insurer shall be deemed to stand in a
21 fiduciary relation to the insurer, and shall discharge the duties of
22 their respective positions in good faith, and with that diligence, care
23 and skill which ordinary prudent (~~men~~) persons would exercise under
24 similar circumstances in like positions.

25 **Sec. 7021.** RCW 48.06.050 and 1967 c 150 s 7 are each amended to
26 read as follows:

27 The commissioner shall expeditiously examine the application for a
28 solicitation permit and make any investigation relative thereto deemed
29 necessary. If the commissioner finds that

30 (1) the application is complete; and

31 (2) the documents therewith filed are equitable in terms and proper
32 in form; and

33 (3) the management of the company, whether by its directors,
34 officers, or by any other means is competent and trustworthy and not so
35 lacking in managerial experience as to make a proposed operation
36 hazardous to the insurance-buying public; and that there is no reason

1 to believe the company is affiliated, directly or indirectly, through
2 ownership, control, reinsurance, or other insurance or business
3 relations, with any other person or persons whose business operations
4 are or have been marked, to the detriment of the policyholders or
5 stockholders or investors or creditors or of the public, by bad faith
6 or by manipulation of assets, or of accounts, or of reinsurance; and

7 (4) the agreements made or proposed are equitable to present and
8 future shareholders, subscribers, members or policyholders, he or she
9 shall give notice to the applicant that he or she will issue a
10 solicitation permit, stating the terms to be contained therein, upon
11 the filing of the bond required by RCW 48.06.110 of this code.

12 If the commissioner does not so find, he or she shall give notice
13 to the applicant that the permit will not be granted, stating the
14 grounds therefor, and shall refund to the applicant all sums so
15 deposited except the application fee.

16 **Sec. 7022.** RCW 48.06.070 and 1953 c 197 s 1 are each amended to
17 read as follows:

18 Every solicitation permit issued by the commissioner shall:

19 (1) Be for a period of not over two years, subject to the right of
20 the commissioner to grant a reasonable extension for good cause.

21 (2) State the securities for which subscriptions are to be
22 solicited, the number, classes, par value, and selling price thereof,
23 or identify the insurance contract for which applications and advance
24 premiums or deposits are to be solicited.

25 (3) Limit the portion of funds received on account of stock or
26 syndicate subscriptions, if any are proposed to be taken, which may be
27 used for promotion and organization expenses to such amount as he or
28 she deems adequate, but in no event to exceed fifteen percent of such
29 funds as and when actually received.

30 (4) If to be a mutual or reciprocal insurer, limit the portion of
31 funds received on account of applications for insurance which may be
32 used for promotion or organization expenses to a reasonable commission
33 upon such funds, giving consideration to the kind of insurance and
34 policy involved and to the costs incurred by insurers generally in the
35 production of similar business, and provide that no such commission
36 shall be deemed to be earned nor be paid until the insurer has received

1 its certificate of authority and the policies applied for and upon
2 which such commission is to be based, have been actually issued and
3 delivered.

4 (5) Contain such other information required by this chapter or
5 reasonable conditions relative to accounting and reports or otherwise
6 as the commissioner deems necessary.

7 **Sec. 7023.** RCW 48.06.100 and 1947 c 79 s .06.10 are each amended
8 to read as follows:

9 (1) The commissioner may, for cause, modify a solicitation permit,
10 or may, after a hearing, revoke any solicitation permit for violation
11 of any provision of this code, or of the terms of the permit, or of any
12 proper order of the commissioner, or for misrepresentation.

13 (2) The commissioner shall revoke a solicitation permit if
14 requested in writing by a majority of the syndicate members, or by a
15 majority of the incorporators and two-thirds of the subscribers to
16 stock or applicants for insurance in the proposed incorporated insurer
17 or corporation, or if he or she is so requested by a majority of the
18 subscribers of a proposed reciprocal insurer.

19 **Sec. 7024.** RCW 48.06.110 and 1969 ex.s. c 241 s 2 are each amended
20 to read as follows:

21 (1) The commissioner shall not issue a solicitation permit until
22 the person applying therefor files with him or her a corporate surety
23 bond in the penalty of fifty thousand dollars, in favor of the state
24 and for the use and benefit of the state and of subscribers and
25 creditors of the proposed organization.

26 The bond shall be conditioned upon the payment of costs incurred by
27 the state in event of any legal proceedings for liquidation or
28 dissolution of the proposed organization before completion of
29 organization or in event a certificate of authority is not granted; and
30 upon a full accounting for funds received until the proposed insurer
31 has been granted its certificate of authority, or until the proposed
32 corporation or syndicate has completed its organization as defined in
33 the solicitation permit.

34 (2) In lieu of filing such bond, the person may deposit with the
35 commissioner fifty thousand dollars in cash or in United States

1 government bonds at par value, to be held in trust upon the same
2 conditions as required for the bond.

3 (3) The commissioner may waive the requirement for a bond or
4 deposit in lieu thereof if the permit provides that:

5 (a) The proposed securities are to be distributed solely and
6 finally to those few persons who are the active promoters intimate to
7 the formation of the insurer, or other corporation or syndicate, or

8 (b) The securities are to be issued in connection with subsequent
9 financing as provided in RCW 48.06.180.

10 (4) Any bond filed or deposit or remaining portion thereof held
11 under this section shall be released and discharged upon settlement or
12 termination of all liabilities against it.

13 **Sec. 7025.** RCW 48.06.180 and 1949 c 190 s 6 are each amended to
14 read as follows:

15 (1) No domestic insurer, or insurance holding corporation, or stock
16 corporation for financing operations of a mutual insurer, or attorney-
17 in-fact corporation of a reciprocal insurer, after

18 (a) it has received a certificate of authority, if an insurer, or

19 (b) it has completed its initial organization and financing if a
20 corporation other than an insurer, shall solicit or receive funds in
21 exchange for any new issue of its corporate securities, other than
22 through a stock dividend, until it has applied to the commissioner for,
23 and has been granted, a solicitation permit.

24 (2) The commissioner shall issue such a permit unless he or she
25 finds that:

26 (a) The funds proposed to be secured are excessive in amount for
27 the purpose intended, or

28 (b) the proposed securities or the manner of their distribution are
29 inequitable, or

30 (c) the issuance of the securities would jeopardize the interests
31 of policyholders or the holders of other securities of the insurer or
32 corporation.

33 (3) Any such solicitation permit granted by the commissioner shall
34 be for such duration, and shall contain such terms and be issued upon
35 such conditions as the commissioner may reasonably specify or require.

1 **Sec. 7026.** RCW 48.07.080 and 1947 c 79 s .07.08 are each amended
2 to read as follows:

3 No domestic insurer or its affiliates or subsidiaries shall
4 guarantee the financial obligation of any director or officer of such
5 insurer or affiliate or subsidiary in his or her personal capacity, and
6 any such guaranty attempted shall be void.

7 This prohibition shall not apply to obligations of the insurer
8 under surety bonds or insurance contracts issued in the regular course
9 of business.

10 **Sec. 7027.** RCW 48.07.150 and 1988 c 248 s 4 are each amended to
11 read as follows:

12 (1) No domestic insurer shall knowingly solicit insurance business
13 in any reciprocating state in which it is not then licensed as an
14 authorized insurer.

15 (2) This section shall not prohibit advertising through
16 publications and radio broadcasts originating outside such
17 reciprocating state, if the insurer is licensed in a majority of the
18 states in which such advertising is disseminated, and if such
19 advertising is not specifically directed to residents of such
20 reciprocating state.

21 (3) This section shall not prohibit insurance, covering persons or
22 risks located in a reciprocating state, under contracts solicited and
23 issued in states in which the insurer is then licensed. Nor shall it
24 prohibit insurance effectuated by the insurer as an unauthorized
25 insurer in accordance with the laws of the reciprocating state. Nor
26 shall it prohibit renewal or continuance in force, with or without
27 modification, of contracts otherwise lawful and which were not
28 originally executed in violation of this section.

29 (4) A "reciprocating" state, as used herein, is one under the laws
30 of which a similar prohibition is imposed upon and is enforced against
31 insurers domiciled in that state.

32 (5) The commissioner shall suspend or revoke the certificate of
33 authority of a domestic insurer found by him or her, after a hearing,
34 to have violated this section.

35 **Sec. 7028.** RCW 48.08.020 and 1947 c 79 s .08.02 are each amended
36 to read as follows:

1 (1) Reduction of the capital stock of a domestic stock insurer
2 shall be by amendment of its articles of incorporation. No such
3 reduction shall be made which results in capital stock less in amount
4 than the minimum required by this code for the kinds of insurance
5 thereafter to be transacted by the insurer.

6 (2) No surplus funds of the insurer resulting from a reduction of
7 its capital stock shall be distributed to stockholders, except as a
8 stock dividend on a subsequent increase of capital stock, or upon
9 dissolution of the insurer, or upon approval of the commissioner of a
10 distribution upon proof satisfactory to him or her that the
11 distribution will not impair the interests of policyholders or the
12 insurer's solvency.

13 (3) Upon such reduction of capital stock, the insurer's directors
14 shall call in any outstanding stock certificates required to be changed
15 pursuant thereto, and issue proper certificates in their stead.

16 **Sec. 7029.** RCW 48.08.090 and 1965 ex.s. c 70 s 5 are each amended
17 to read as follows:

18 (1) This section shall apply to all domestic stock insurers except:

19 (a) A domestic stock insurer having less than one hundred
20 stockholders; except, that if ninety-five percent or more of the
21 insurer's stock is owned or controlled by a parent or affiliated
22 insurer, this section shall not apply to such insurer unless its
23 remaining shares are held by five hundred or more stockholders.

24 (b) Domestic stock insurers which file with the Securities and
25 Exchange Commission forms of proxies, consents and authorizations
26 pursuant to the Securities and Exchange Act of 1934, as amended.

27 (2) Every such insurer shall seasonably furnish its stockholders in
28 advance of stockholder meetings, information in writing reasonably
29 adequate to inform them relative to all matters to be presented by the
30 insurer's management for consideration of stockholders at such meeting.

31 (3) No person shall solicit a proxy, consent, or authorization in
32 respect of any stock of such an insurer unless he or she furnishes the
33 person so solicited with written information reasonably adequate as to

34 (a) the material matters in regard to which the powers so solicited
35 are proposed to be used, and

36 (b) the person or persons on whose behalf the solicitation is made,
37 and the interest of such person or persons in relation to such matters.

1 (4) No person shall so furnish to another, information which the
2 informer knows or has reason to believe, is false or misleading as to
3 any material fact, or which fails to state any material fact reasonably
4 necessary to prevent any other statement made from being misleading.

5 (5) The form of all such proxies shall:

6 (a) Conspicuously state on whose behalf the proxy is solicited;

7 (b) Provide for dating the proxy;

8 (c) Impartially identify each matter or group of related matters
9 intended to be acted upon;

10 (d) Provide means for the principal to instruct the vote of his
11 shares as to approval or disapproval of each matter or group, other
12 than election to office; and

13 (e) Be legibly printed, with context suitably organized.

14 Except, that a proxy may confer discretionary authority as to
15 matters as to which choice is not specified pursuant to item (d),
16 above, if the form conspicuously states how it is intended to vote the
17 proxy or authorization in each such case; and may confer discretionary
18 authority as to other matters which may come before the meeting but
19 unknown for a reasonable time prior to the solicitation by the persons
20 on whose behalf the solicitation is made.

21 (6) No proxy shall confer authority (a) to vote for election of any
22 person to any office for which a bona fide nominee is not named in the
23 proxy statement, or (b) to vote at any annual meeting (or adjournment
24 thereof) other than the annual meeting next following the date on which
25 the proxy statement and form were furnished stockholders.

26 (7) The commissioner shall have authority to make and promulgate
27 reasonable rules and regulations for the effectuation of this section,
28 and in so doing shall give due consideration to rules and regulations
29 promulgated for similar purposes by the insurance supervisory officials
30 of other states.

31 **Sec. 7030.** RCW 48.08.100 and 1965 ex.s. c 70 s 11 are each amended
32 to read as follows:

33 The term "equity security" when used in RCW 48.08.100 through
34 48.08.160 means any stock or similar security; or any security
35 convertible, with or without consideration, into such a security, or
36 carrying any warrant or right to subscribe to or purchase such a
37 security; or any such warrant or right; or any other security which the

1 commissioner shall deem to be of similar nature and consider necessary
2 or appropriate, by such rules and regulations as he or she may
3 prescribe in the public interest or for the protection of investors, to
4 treat as an equity security.

5 **Sec. 7031.** RCW 48.08.110 and 1965 ex.s. c 70 s 6 are each amended
6 to read as follows:

7 Every person who is directly or indirectly the beneficial owner of
8 more than ten percent of any class of any equity security of a domestic
9 stock insurer, or who is a director or an officer of such insurer,
10 shall file with the commissioner on or before the 30th day of
11 September, 1965, or within ten days after he or she becomes such
12 beneficial owner, director or officer, a statement, in such form as the
13 commissioner may prescribe, of the amount of all equity securities of
14 such insurer of which he or she is the beneficial owner, and within ten
15 days after the close of each calendar month thereafter, if there has
16 been a change in such ownership during such month, shall file with the
17 commissioner a statement, in such form as the commissioner may
18 prescribe, indicating his or her ownership at the close of the calendar
19 month and such changes in his or her ownership as have occurred during
20 such calendar month.

21 **Sec. 7032.** RCW 48.08.120 and 1965 ex.s. c 70 s 7 are each amended
22 to read as follows:

23 For the purpose of preventing the unfair use of information which
24 may have been obtained by such beneficial owner, director or officer by
25 reason of his or her relationship to such insurer, any profit realized
26 by him from any purchase and sale, or any sale and purchase, of any
27 equity security of such insurer within any period of less than six
28 months, unless such security was acquired in good faith in connection
29 with a debt previously contracted, shall inure to and be recoverable by
30 the insurer, irrespective of any intention on the part of such
31 beneficial owner, director or officer in entering into such transaction
32 of holding the security purchased or of not repurchasing the security
33 sold for a period exceeding six months. Suit to recover such profit
34 may be instituted at law or in equity in any court of competent
35 jurisdiction by the insurer, or by the owner of any security of the
36 insurer in the name and in behalf of the insurer if the insurer shall

1 fail or refuse to bring such suit within sixty days after request or
2 shall fail diligently to prosecute the same thereafter: PROVIDED, That
3 no such suit shall be brought more than two years after the date such
4 profit was realized. This section shall not be construed to cover any
5 transaction where such beneficial owner was not such both at the time
6 of the purchase and sale, or the sale and purchase, of the security
7 involved, or any transaction or transactions which the commissioner by
8 rules and regulations may exempt as not comprehended within the purpose
9 of this section.

10 **Sec. 7033.** RCW 48.08.130 and 1965 ex.s. c 70 s 8 are each amended
11 to read as follows:

12 It shall be unlawful for any such beneficial owner, director or
13 officer, directly or indirectly, to sell any equity security of such
14 insurer if the person selling the security or his principal (1) does
15 not own the security sold, or (2) if owning the security, does not
16 deliver it against such sale within twenty days thereafter, or does not
17 within five days after such sale deposit it in the mails or other usual
18 channels of transportation: PROVIDED, That no person shall be deemed
19 to have violated this section if he or she proves that notwithstanding
20 the exercise of good faith he or she was unable to make such delivery
21 or deposit within such time, or that to do so would cause undue
22 inconvenience or expense.

23 **Sec. 7034.** RCW 48.08.140 and 1965 ex.s. c 70 s 9 are each amended
24 to read as follows:

25 The provisions of RCW 48.08.120 shall not apply to any purchase and
26 sale, or sale and purchase, and the provisions of RCW 48.08.130 shall
27 not apply to any sale of an equity security of a domestic stock insurer
28 not then or theretofore held by him or her in an investment account, by
29 a dealer in the ordinary course of his or her business and incident to
30 the establishment or maintenance by him or her of a primary or
31 secondary market (otherwise than on an exchange as defined in the
32 Securities Exchange Act of 1934) for such security. The commissioner
33 may, by such rules and regulations as he or she deems necessary or
34 appropriate in the public interest, define and prescribe terms and
35 conditions with respect to securities held in an investment account and

1 transactions made in the ordinary course of business and incident to
2 the establishment or maintenance of a primary or secondary market.

3 **Sec. 7035.** RCW 48.08.170 and 1965 ex.s. c 70 s 13 are each amended
4 to read as follows:

5 The commissioner shall have the power to make such rules and
6 regulations as may be necessary for the execution of the functions
7 vested in him or her by RCW 48.08.100 through 48.08.160, and may for
8 such purpose classify domestic stock insurers, securities, and other
9 persons or matters within his jurisdiction. No provision of RCW
10 48.08.110, 48.08.120, and 48.08.130 imposing any liability shall apply
11 to any act done or omitted in good faith in conformity with any rule or
12 regulation of the commissioner, notwithstanding that such rule or
13 regulation may, after such act or omission, be amended or rescinded or
14 determined by judicial or other authority to be invalid for any reason.

15 **Sec. 7036.** RCW 48.09.130 and 1947 c 79 s .09.13 are each amended
16 to read as follows:

17 A domestic mutual insurer shall adopt bylaws for the conduct of its
18 affairs. Such bylaws, or any modification thereof, shall forthwith be
19 filed with the commissioner. The commissioner shall disapprove any
20 such bylaws, or as so modified, if he or she finds after a hearing
21 thereon, that it is not in compliance with the laws of this state, and
22 he or she shall forthwith communicate such disapproval to the insurer.
23 No such bylaw, or modification, so disapproved shall be effective
24 during the existence of such disapproval.

25 **Sec. 7037.** RCW 48.09.160 and 1947 c 79 s .09.16 are each amended
26 to read as follows:

27 No individual shall be a director of a domestic mutual insurer by
28 reason of his or her holding public office. Adjudication as a bankrupt
29 or taking the benefit of any insolvency law or making a general
30 assignment for the benefit of creditors disqualifies an individual from
31 being or acting as a director.

32 **Sec. 7038.** RCW 48.09.220 and 1949 c 190 s 9 are each amended to
33 read as follows:

34 (1) Each member of a domestic mutual insurer, except as otherwise

1 provided in this chapter, shall have a contingent liability, pro rata
2 and not one for another, for the discharge of its obligations. The
3 contingent liability shall be in such maximum amount as is stated in
4 the insurer's articles of incorporation, but shall be not less than
5 one, nor more than five, additional premiums for the member's policy at
6 the annual premium rate and for a term of one year.

7 (2) Every policy issued by the insurer shall contain a statement of
8 the contingent liability.

9 (3) Termination of the policy of any such member shall not relieve
10 the member of contingent liability for his or her proportion of the
11 obligations of the insurer which accrued while the policy was in force.

12 **Sec. 7039.** RCW 48.09.230 and 1949 c 190 s 10 are each amended to
13 read as follows:

14 (1) If at any time the assets of a domestic mutual insurer doing
15 business on the cash premium plan are less than its liabilities and the
16 minimum surplus, if any, required of it by this code as prerequisite
17 for continuance of its certificate of authority, and the deficiency is
18 not cured from other sources, its directors may, if approved by the
19 commissioner, make an assessment only on its members who at any time
20 within the twelve months immediately preceding the date such assessment
21 was authorized by its directors held policies providing for contingent
22 liability.

23 (2) Such an assessment shall be for such an amount of money as is
24 required, in the opinion of the commissioner, to render the insurer
25 fully solvent, but not to result in surplus in excess of five percent
26 of the insurer's liabilities as of the date of the assessment.

27 (3) A member's proportionate part of any such assessment shall be
28 computed by applying to the premium earned, during the period since the
29 deficiency first appeared, on his or her contingently liable policy or
30 policies the ratio of the total assessment to the total premium earned
31 during such period on all contingently liable policies which are
32 subject to the assessment.

33 (4) No member shall have an offset against any assessment for which
34 he or she is liable on account of any claim for unearned premium or
35 losses payable.

1 **Sec. 7040.** RCW 48.09.270 and 1963 c 195 s 4 are each amended to
2 read as follows:

3 (1) A domestic mutual insurer on the cash premium plan, after it
4 has established a surplus not less in amount than the minimum capital
5 funds required of a domestic stock insurer to transact like kinds of
6 insurance, and for so long as it maintains such surplus, may extinguish
7 the contingent liability of its members to assessment and omit
8 provisions imposing contingent liability in all policies currently
9 issued.

10 (2) Any deposit made with the commissioner as a prerequisite to the
11 insurer's certificate of authority may be included as part of the
12 surplus required in this section.

13 (3) When the surplus has been so established and the commissioner
14 has so ascertained, he or she shall issue to the insurer, at its
15 request, his or her certificate authorizing the extinguishment of the
16 contingent liability of its members and the issuance of policies free
17 therefrom.

18 (4) While it maintains surplus funds in amount not less than the
19 minimum capital required of a domestic stock insurer authorized to
20 transact like kinds of insurance, and subject to the requirements of
21 RCW 48.05.360 as to special surplus, a foreign or alien mutual insurer
22 on the cash premium plan may, if consistent with its charter and the
23 laws of its domicile, issue nonassessable policies covering subjects
24 located, resident, or to be performed in this state.

25 **Sec. 7041.** RCW 48.10.140 and 1947 c 79 s .10.14 are each amended
26 to read as follows:

27 (1) Concurrently with the filing of the declaration provided for in
28 RCW 48.10.090, (or, if an existing domestic reciprocal insurer, within
29 ninety days after the effective date of this code) the attorney of a
30 domestic reciprocal shall file with the commissioner a bond running to
31 the state of Washington. The bond shall be executed by the attorney
32 and by an authorized corporate surety, and shall be subject to the
33 commissioner's approval.

34 (2) The bond shall be in the penal sum of twenty-five thousand
35 dollars, conditioned that the attorney will faithfully account for all
36 moneys and other property of the insurer coming into his or her hands,

1 and that he or she will not withdraw or appropriate for his or her own
2 use from the funds of the insurer any moneys or property to which he or
3 she is not entitled under the power of attorney.

4 (3) The bond shall provide that it is not subject to cancellation
5 unless thirty days advance notice in writing of intent to cancel is
6 given to both the attorney and the commissioner.

7 **Sec. 7042.** RCW 48.10.170 and 1947 c 79 s .10.17 are each amended
8 to read as follows:

9 (1) A certificate of authority shall not be issued to a domestic
10 reciprocal insurer unless prior thereto the attorney has executed and
11 filed with the commissioner the insurer's irrevocable authorization of
12 the commissioner to receive legal process issued in this state against
13 the insurer upon any cause of action arising within this state.

14 (2) The provisions of RCW 48.05.210 shall apply to service of such
15 process upon the commissioner.

16 (3) In lieu of service on the commissioner, legal process may be
17 served upon a domestic reciprocal insurer by serving the insurer's
18 attorney at his or her principal offices.

19 (4) Any judgment against the insurer based upon legal process so
20 served shall be binding upon each of the insurer's subscribers as their
21 respective interests may appear and in an amount not exceeding their
22 respective contingent liabilities.

23 **Sec. 7043.** RCW 48.10.200 and 1947 c 79 s .10.20 are each amended
24 to read as follows:

25 In determining the financial condition of a reciprocal insurer the
26 commissioner shall apply the following rules:

27 (1) He or she shall charge as liabilities the same reserves as are
28 required of incorporated insurers issuing nonassessable policies on a
29 reserve basis.

30 (2) The surplus deposits of subscribers shall be allowed as assets,
31 except that any premium deposit delinquent for ninety days shall first
32 be charged against such surplus deposit.

33 (3) The surplus deposits of subscribers shall not be charged as a
34 liability.

35 (4) All premium deposits delinquent less than ninety days shall be
36 allowed as assets.

1 (5) An assessment levied upon subscribers, and not collected, shall
2 not be allowed as an asset.

3 (6) The contingent liability of subscribers shall not be allowed as
4 an asset.

5 (7) The computation of reserves shall be based upon premium
6 deposits other than membership fees and without any deduction for the
7 compensation of the attorney.

8 **Sec. 7044.** RCW 48.10.250 and 1947 c 79 s .10.25 are each amended
9 to read as follows:

10 (1) The liability of each subscriber subject to assessment for the
11 obligations of the reciprocal insurer shall not be joint, but shall be
12 individual and several.

13 (2) Each subscriber who is subject to assessment shall have a
14 contingent assessment liability, in the amount provided for in the
15 power of attorney or in the subscribers' agreement, for payment of
16 actual losses and expenses incurred while his or her policy was in
17 force. Such contingent liability may be at the rate of not less than
18 one nor more than ten times the premium or premium deposit stated in
19 the policy, and the maximum aggregate thereof shall be computed in the
20 manner set forth in RCW 48.10.290.

21 (3) Each assessable policy issued by the insurer shall plainly set
22 forth a statement of the contingent liability.

23 **Sec. 7045.** RCW 48.10.260 and 1947 c 79 s .10.26 are each amended
24 to read as follows:

25 (1) No action shall lie against any subscriber upon any obligation
26 claimed against the insurer until a final judgment has been obtained
27 against the insurer and remains unsatisfied for thirty days.

28 (2) Any such judgment shall be binding upon each subscriber only in
29 such proportion as his or her interests may appear and in an amount not
30 exceeding his or her contingent liability, if any.

31 **Sec. 7046.** RCW 48.10.270 and 1947 c 79 s .10.27 are each amended
32 to read as follows:

33 (1) Assessments may be levied from time to time upon the
34 subscribers of a domestic reciprocal insurer, other than as to

1 nonassessable policies, by the attorney upon approval in advance by the
2 subscribers' advisory committee and the commissioner; or by the
3 commissioner in liquidation of the insurer.

4 (2) Each such subscriber's share of a deficiency for which an
5 assessment is made, not exceeding in any event his or her aggregate
6 contingent liability as computed in accordance with RCW 48.10.290,
7 shall be computed by applying to the premium earned on the subscriber's
8 policy or policies during the period to be covered by the assessment,
9 the ratio of the total deficiency to the total premiums earned during
10 such period upon all policies subject to the assessment.

11 (3) In computing the earned premiums for the purposes of this
12 section, the gross premium received by the insurer for the policy shall
13 be used as a base, deducting therefrom solely charges not recurring
14 upon the renewal or extension of the policy.

15 (4) No subscriber shall have an offset against any assessment for
16 which he or she is liable, on account of any claim for unearned premium
17 or losses payable.

18 **Sec. 7047.** RCW 48.10.280 and 1947 c 79 s .10.28 are each amended
19 to read as follows:

20 Every subscriber of a domestic reciprocal insurer having contingent
21 liability shall be liable for, and shall pay his or her share of any
22 assessment, as computed and limited in accordance with this chapter,
23 if:

24 (1) While his or her policy is in force or within one year after
25 its termination, he or she is notified by either the attorney or the
26 commissioner of his or her intention to levy such assessment; or

27 (2) If an order to show cause why a receiver, conservator,
28 rehabilitator, or liquidator of the insurer should not be appointed is
29 issued pursuant to RCW 48.31.190 while his or her policy is in force or
30 within one year after its termination.

31 **Sec. 7048.** RCW 48.10.300 and 1983 c 3 s 148 are each amended to
32 read as follows:

33 (1) Subject to the special surplus requirements of RCW 48.05.360,
34 if a reciprocal insurer has a surplus of assets over all liabilities at
35 least equal to the minimum capital stock required of a domestic stock
36 insurer authorized to transact like kinds of insurance, upon

1 application of the attorney and as approved by the subscribers'
2 advisory committee the commissioner shall issue his or her certificate
3 authorizing the insurer to extinguish the contingent liability of
4 subscribers under its policies then in force in this state, and to omit
5 provisions imposing contingent liability in all policies delivered or
6 issued for delivery in this state for so long as all such surplus
7 remains unimpaired.

8 (2) Upon impairment of such surplus, the commissioner shall
9 forthwith revoke the certificate. No policy shall thereafter be issued
10 or renewed without providing for the contingent assessment liability of
11 subscribers.

12 (3) The commissioner shall not authorize a domestic reciprocal
13 insurer so to extinguish the contingent liability of any of its
14 subscribers or in any of its policies to be issued, unless it qualifies
15 to and does extinguish such liability of all its subscribers and in all
16 such policies for all kinds of insurance transacted by it. Except,
17 that if required by the laws of another state in which the insurer is
18 transacting insurance as an authorized insurer, the insurer may issue
19 policies providing for the contingent liability of such of its
20 subscribers as may acquire such policies in such state, and need not
21 extinguish the contingent liability applicable to policies theretofore
22 in force in such state.

23 **Sec. 7049.** RCW 48.10.330 and 1947 c 79 s .10.33 are each amended
24 to read as follows:

25 (1) A domestic reciprocal insurer, upon affirmative vote of not
26 less than two-thirds of the subscribers who vote upon such merger
27 pursuant to such notice as may be approved by the commissioner and with
28 the approval of the commissioner of the terms therefor, may merge with
29 another reciprocal insurer or be converted to a stock or mutual
30 insurer.

31 (2) Such a stock or mutual insurer shall be subject to the same
32 capital requirements and shall have the same rights as a like domestic
33 insurer transacting like kinds of insurance.

34 (3) The commissioner shall not approve any plan for such merger or
35 conversion which is inequitable to subscribers, or which, if for
36 conversion to a stock insurer, does not give each subscriber
37 preferential right to acquire stock of the proposed insurer

1 proportionate to his or her interest in the reciprocal insurer as
2 determined in accordance with RCW 48.10.320 and a reasonable length of
3 time within which to exercise such right.

4 **Sec. 7050.** RCW 48.10.340 and 1947 c 79 s .10.34 are each amended
5 to read as follows:

6 (1) If the assets of a domestic reciprocal insurer are at any time
7 insufficient to discharge its liabilities other than any liability on
8 account of funds contributed by the attorney, and to maintain the
9 surplus required for the kinds of insurance it is authorized to
10 transact, its attorney shall forthwith levy an assessment upon
11 subscribers made subject to assessment by the terms of their policies
12 for the amount needed to make up the deficiency.

13 (2) If the attorney fails to make the assessment within thirty days
14 after the commissioner orders him or her to do so, or if the deficiency
15 is not fully made up within sixty days after the date the assessment
16 was made, the insurer shall be deemed insolvent and shall be proceeded
17 against as authorized by this code.

18 (3) If liquidation of such an insurer is ordered, an assessment
19 shall be levied upon the subscribers for such an amount, subject to
20 limits as provided by this chapter, as the commissioner determines to
21 be necessary to discharge all liabilities of the insurer, exclusive of
22 any funds contributed by the attorney, but including the reasonable
23 cost of the liquidation.

24 **Sec. 7051.** RCW 48.11.080 and 1967 c 150 s 8 are each amended to
25 read as follows:

26 "Surety insurance" includes:

27 (1) Credit insurance as defined in subdivision (9) of RCW
28 48.11.070.

29 (2) Bail bond insurance.

30 (3) Fidelity insurance, which is insurance guaranteeing the
31 fidelity of persons holding positions of public or private trust.

32 (4) Guaranteeing the performance of contracts, other than insurance
33 policies, and guaranteeing and executing bonds, undertakings, and
34 contracts of suretyship.

35 (5) Indemnifying banks, bankers, brokers, financial or moneyed
36 corporations or associations against loss resulting from any cause of

1 bills of exchange, notes, bonds, securities, evidence of debts, deeds,
2 mortgages, warehouse receipts, or other valuable papers, documents,
3 money, precious metals and articles made therefrom, jewelry, watches,
4 necklaces, bracelets, gems, precious and semi-precious stones,
5 including any loss while the same are being transported in armored
6 motor vehicles, or by messenger, but not including any other risks of
7 transportation or navigation; also against loss or damage to such an
8 insured's premises, or to his or her furnishings, fixtures, equipment,
9 safes and vaults therein, caused by burglary, robbery, theft, vandalism
10 or malicious mischief, or any attempt thereat.

11 **Sec. 7052.** RCW 48.12.010 and 2007 c 80 s 2 are each amended to
12 read as follows:

13 In any determination of the financial condition of any insurer
14 there shall be allowed as assets only such assets as belong wholly and
15 exclusively to the insurer, which are registered, recorded, or held
16 under the insurer's name, and which consist of:

17 (1) Cash in the possession of the insurer or in transit under its
18 control, and the true balance of any deposit of the insurer in a
19 solvent bank or trust company;

20 (2) Investments, securities, properties, and loans acquired or held
21 in accordance with this code, and in connection therewith the following
22 items:

23 (a) Interest due or accrued on any bond or evidence of indebtedness
24 which is not in default and which is not valued on a basis including
25 accrued interest.

26 (b) Declared and unpaid dividends on stocks and shares unless such
27 amount has otherwise been allowed as an asset.

28 (c) Interest due or accrued upon a collateral loan in an amount not
29 to exceed one year's interest thereon.

30 (d) Interest due or accrued on deposits in solvent banks and trust
31 companies, and interest due or accrued on other assets if such interest
32 is in the judgment of the commissioner a collectible asset.

33 (e) Interest due or accrued on a mortgage loan, in amount not
34 exceeding in any event the amount, if any, of the difference between
35 the unpaid principal and the value of the property less delinquent
36 taxes thereon; but if any interest on the loan is in default more than
37 one hundred eighty days, or if any interest on the loan is in default

1 and any taxes or any installment thereof on the property are and have
2 been due and unpaid for more than one hundred eighty days, no allowance
3 shall be made for any interest on the loan.

4 (f) Rent due or accrued on real property if such rent is not in
5 arrears for more than three months.

6 (3) Premium notes, policy loans, and other policy assets and liens
7 on policies of life insurance, in amount not exceeding the legal
8 reserve and other policy liabilities carried on each individual policy;

9 (4) The net amount of uncollected and deferred premiums in the case
10 of a life insurer which carries the full annual mean tabular reserve
11 liability;

12 (5) Premiums in the course of collection, other than for life
13 insurance, not more than ninety days past due, less commissions payable
14 thereon. The foregoing limitation shall not apply to premiums payable
15 directly or indirectly by the United States government or any of its
16 instrumentalities;

17 (6) Installment premiums other than life insurance premiums, in
18 accordance with regulations prescribed by the commissioner consistent
19 with practice formulated or adopted by the National Association of
20 Insurance Commissioners;

21 (7) Notes and like written obligations not past due, taken for
22 premiums other than life insurance premiums, on policies permitted to
23 be issued on such basis, to the extent of the unearned premium reserves
24 carried thereon and unless otherwise required by regulation prescribed
25 by the commissioner;

26 (8) Reinsurance recoverable subject to RCW 48.12.160;

27 (9) Amounts receivable by an assuming insurer representing funds
28 withheld by a solvent ceding insurer under a reinsurance treaty;

29 (10) Deposits or equities recoverable from underwriting
30 associations, syndicates and reinsurance funds, or from any suspended
31 banking institution, to the extent deemed by the commissioner available
32 for the payment of losses and claims and at values to be determined by
33 him or her;

34 (11) Electronic and mechanical machines constituting a data
35 processing and accounting system if the cost of such system is at least
36 twenty-five thousand dollars, which cost shall be amortized in full
37 over a period not to exceed three calendar years; and

1 (12) Other assets, not inconsistent with the foregoing provisions,
2 deemed by the commissioner available for the payment of losses and
3 claims, at values to be determined by him or her.

4 **Sec. 7053.** RCW 48.12.080 and 1947 c 79 s .12.08 are each amended
5 to read as follows:

6 (1) If the commissioner determines that an insurer's unearned
7 premium reserves, however computed, are inadequate, he or she may
8 require the insurer to compute such reserves or any part thereof
9 according to such other method or methods as are prescribed in this
10 chapter.

11 (2) If the loss experience of an insurer shows that its loss
12 reserves, however estimated, are inadequate, the commissioner shall
13 require the insurer to maintain loss reserves in such increased amount
14 as is needed to make them adequate.

15 **Sec. 7054.** RCW 48.12.140 and 1987 c 185 s 22 are each amended to
16 read as follows:

17 "Loss payments" and "loss expense payments" as used with reference
18 to liability and workers' compensation insurances shall include all
19 payments to claimants, payments for medical and surgical attendance,
20 legal expenses, salaries and expenses of investigators, adjusters and
21 claims field (~~(men)~~) representatives, rents, stationery, telegraph and
22 telephone charges, postage, salaries and expenses of office employees,
23 home office expenses and all other payments made on account of claims,
24 whether such payments are allocated to specific claims or are
25 unallocated.

26 **Sec. 7055.** RCW 48.13.350 and 1949 c 190 s 20 are each amended to
27 read as follows:

28 (1) As to each investment or loan of the funds of a domestic
29 insurer a written record in permanent form showing the authorization
30 thereof shall be made and signed by an officer of the insurer or by the
31 (~~(chairman)~~) chair of such committee authorizing the investment or
32 loan.

33 (2) As to each such investment or loan the insurer's records shall
34 contain:

1 (a) In the case of loans: The name of the borrower; the location
2 and legal description of the property; a physical description, and the
3 appraised value of the security; the amount of the loan, rate of
4 interest and terms of repayment.

5 (b) In the case of securities: The name of the obligor; a
6 description of the security and the record of earnings; the amount
7 invested, the rate of interest or dividend, the maturity and yield
8 based upon the purchase price.

9 (c) In the case of real estate: The location and legal description
10 of the property; a physical description and the appraised value; the
11 purchase price and terms.

12 (d) In the case of all investments:

13 (i) The amount of expenses and commissions if any incurred on
14 account of any investment or loan and by whom and to whom payable if
15 not covered by contracts with mortgage loan representatives or
16 correspondents which are part of the insurer's records.

17 (ii) The name of any officer or director of the insurer having any
18 direct, indirect, or contingent interest in the securities or loan
19 representing the investment, or in the assets of the person in whose
20 behalf the investment or loan is made, and the nature of such interest.

21 **Sec. 7056.** RCW 48.14.070 and 1979 ex.s. c 130 s 2 are each amended
22 to read as follows:

23 In event any person has paid to the commissioner any tax, license
24 fee or other charge in error or in excess of that which he or she is
25 lawfully obligated to pay, the commissioner shall upon written request
26 made to him or her make a refund thereof. A person may only request a
27 refund of taxes within six years from the date the taxes were paid. A
28 person may only request a refund of fees or charges other than taxes
29 within thirteen months of the date the fees or charges were paid.
30 Refunds may be made either by crediting the amount toward payment of
31 charges due or to become due from such person, or by making a cash
32 refund. To facilitate such cash refunds the commissioner may establish
33 a revolving fund out of funds appropriated by the legislature for his
34 use.

35 **Sec. 7057.** RCW 48.15.100 and 1955 c 303 s 6 are each amended to
36 read as follows:

1 (1) Each licensed surplus line broker shall keep a full and true
2 record of each surplus line contract procured by him or her including
3 a copy of the daily report, if any, showing such of the following items
4 as may be applicable:

5 (a) Amount of the insurance;

6 (b) Gross premiums charged;

7 (c) Return premium paid, if any;

8 (d) Rate of premium charged upon the several items of property;

9 (e) Effective date of the contract, and the terms thereof;

10 (f) Name and address of the insurer;

11 (g) Name and address of the insured;

12 (h) Brief general description of property insured and where
13 located;

14 (i) Other information as may be required by the commissioner.

15 (2) All such records as to any particular transaction shall be kept
16 available and open to the inspection of the commissioner at any
17 business time during the five years next following the date of
18 completion of such transaction.

19 **Sec. 7058.** RCW 48.15.110 and 1955 c 303 s 7 are each amended to
20 read as follows:

21 (1) Each surplus line broker shall on or before the first day of
22 March of each year file with the commissioner a verified statement of
23 all surplus line insurance transacted by him or her during the
24 preceding calendar year.

25 (2) The statement shall be on forms as prescribed and furnished by
26 the commissioner and shall show:

27 (a) Aggregate of net premiums;

28 (b) Additional information as required by the commissioner.

29 **Sec. 7059.** RCW 48.15.120 and 1947 c 79 s .15.12 are each amended
30 to read as follows:

31 (1) On or before the first day of March of each year each surplus
32 line broker shall remit to the state treasurer through the commissioner
33 a tax on the premiums, exclusive of sums collected to cover federal and
34 state taxes and examination fees, on surplus line insurance subject to
35 tax transacted by him or her during the preceding calendar year as
36 shown by his or her annual statement filed with the commissioner, and

1 at the same rate as is applicable to the premiums of authorized foreign
2 insurers under this code. Such tax when collected shall be credited to
3 the general fund.

4 (2) If a surplus line policy covers risks or exposures only
5 partially in this state the tax so payable shall be computed upon the
6 proportion of the premium which is properly allocable to the risks or
7 exposures located in this state.

8 **Sec. 7060.** RCW 48.15.170 and 1947 c 79 s .15.17 are each amended
9 to read as follows:

10 Every person for whom insurance has been placed with an
11 unauthorized insurer pursuant to or in violation of this chapter shall,
12 upon the commissioner's order, produce for his or her examination all
13 policies and other documents evidencing the insurance, and shall
14 disclose to the commissioner the amount of the gross premiums paid or
15 agreed to be paid for the insurance. For each refusal to obey such
16 order, such person shall be liable to a fine of not more than five
17 hundred dollars.

18 **Sec. 7061.** RCW 48.16.080 and 1955 c 86 s 9 are each amended to
19 read as follows:

20 The state of Washington shall be responsible for the safekeeping
21 and return of all funds and securities deposited pursuant to this
22 chapter with the commissioner or in any such depository so designated
23 by him or her.

24 **Sec. 7062.** RCW 48.16.100 and 1947 c 79 s .16.10 are each amended
25 to read as follows:

26 (1) Any such required deposit shall be released in these instances
27 only:

28 (a) Upon extinguishment of all liabilities of the insurer for the
29 security of which the deposit is held, by reinsurance contract or
30 otherwise.

31 (b) If any such deposit or portion thereof is no longer required
32 under this code.

33 (c) If the deposit has been made pursuant to the retaliatory
34 provision, RCW 48.14.040, it shall be released in whole or in part when
35 no longer so required.

1 (d) Upon proper order of a court of competent jurisdiction the
2 deposit shall be released to the receiver, conservator, rehabilitator,
3 or liquidator of the insurer for whose account the deposit is held.

4 (2) No such release shall be made except on application to and
5 written order of the commissioner made upon proof satisfactory to him
6 or her of the existence of one of such grounds therefor. The
7 commissioner shall have no personal liability for any such release of
8 any deposit or part thereof so made by him or her in good faith.

9 (3) All releases of deposits or any part thereof shall be made to
10 the person then entitled thereto upon proof of title satisfactory to
11 the commissioner.

12 (4) Deposits held on account of title insurers are subject further
13 to the provisions of chapter 48.29 RCW.

14 **Sec. 7063.** RCW 48.17.430 and 1977 ex.s. c 182 s 5 are each amended
15 to read as follows:

16 (1) Prior to the issuance of a license as public adjuster, the
17 applicant therefor shall file with the commissioner and shall
18 thereafter maintain in force while so licensed a surety bond in favor
19 of the people of the state of Washington, executed by an authorized
20 corporate surety approved by the commissioner, in the amount of five
21 thousand dollars. The bond may be continuous in form, and total
22 aggregate liability on the bond may be limited to the payment of five
23 thousand dollars. The bond shall be contingent on the accounting by
24 the adjuster to any insured whose claim he or she is handling, for
25 moneys or any settlement received in connection therewith.

26 (2) Any such bond shall remain in force until the surety is
27 released from liability by the commissioner, or until canceled by the
28 surety. Without prejudice to any liability accrued prior to
29 cancellation, the surety may cancel a bond upon thirty days advance
30 notice in writing filed with the commissioner.

31 (3) Such bond shall be required of any adjuster acting as a public
32 adjuster as of the effective date of this code, or thereafter under any
33 unexpired license heretofore issued.

34 **Sec. 7064.** RCW 48.18.020 and 1973 1st ex.s. c 163 s 2 are each
35 amended to read as follows:

36 (1) Any person eighteen years or older shall be considered of full

1 legal age and may contract for or with respect to insurance. Any
2 person seventeen years or younger shall be considered a minor for
3 purposes of Title 48 RCW.

4 (2) A minor not less than fifteen years of age as at nearest
5 birthday may, notwithstanding such minority, contract for life or
6 disability insurance on his or her own life or body, for his or her own
7 benefit or for the benefit of his or her father, mother, spouse, child,
8 brother, sister, or grandparent, and may exercise all rights and powers
9 with respect to or under the contract as though of full legal age, and
10 may surrender his or her interest therein and give a valid discharge
11 for any benefit accruing or money payable thereunder. The minor shall
12 not, by reason of his minority, be entitled to rescind, avoid, or
13 repudiate the contract, or any exercise of a right or privilege
14 thereunder, except, that such minor, not otherwise emancipated, shall
15 not be bound by any unperformed agreement to pay, by promissory note or
16 otherwise any premium on any such insurance contract.

17 **Sec. 7065.** RCW 48.18.050 and 1947 c 79 s .18.05 are each amended
18 to read as follows:

19 When the name of a person intended to be insured is specified in
20 the policy, such insurance can be applied only to his or her own proper
21 interest. This section shall not apply to life and disability
22 insurances.

23 **Sec. 7066.** RCW 48.18.070 and 1947 c 79 s .18.07 are each amended
24 to read as follows:

25 (1) Any application for insurance in writing by the applicant shall
26 be altered solely by the applicant or by his or her written consent,
27 except that insertions may be made by the insurer for administrative
28 purposes only in such manner as to indicate clearly that such
29 insertions are not to be ascribed to the applicant. Violation of this
30 provision shall be a misdemeanor.

31 (2) Any insurer issuing an insurance contract upon such an
32 application unlawfully altered by its officer, employee, or agent shall
33 not have available in any action arising out of such contract, any
34 defense which is based upon the fact of such alteration, or as to any
35 item in the application which was so altered.

1 **Sec. 7067.** RCW 48.18.090 and 1947 c 79 s .18.09 are each amended
2 to read as follows:

3 (1) Except as provided in subsection (2) of this section, no oral
4 or written misrepresentation or warranty made in the negotiation of an
5 insurance contract, by the insured or in his or her behalf, shall be
6 deemed material or defeat or avoid the contract or prevent it
7 attaching, unless the misrepresentation or warranty is made with the
8 intent to deceive.

9 (2) In any application for life or disability insurance made in
10 writing by the insured, all statements therein made by the insured
11 shall, in the absence of fraud, be deemed representations and not
12 warranties. The falsity of any such statement shall not bar the right
13 to recovery under the contract unless such false statement was made
14 with actual intent to deceive or unless it materially affected either
15 the acceptance of the risk or the hazard assumed by the insurer.

16 **Sec. 7068.** RCW 48.18.120 and 1957 c 193 s 10 are each amended to
17 read as follows:

18 (1) The commissioner shall, after hearing, from time to time
19 promulgate such rules and regulations as may be necessary to define and
20 effect reasonable uniformity in all basic contracts of fire insurance
21 which are commonly known as the standard form fire policies and may be
22 so referred to in this code, and the usual supplemental coverages,
23 riders, or endorsements thereon or thereto, to the end that such
24 definitions shall be applied in the construction of the various
25 sections of this code wherein such terms are used and that there be a
26 reasonable concurrency of contract where two or more insurers insure
27 the same subject and risk. All such forms heretofore approved by the
28 commissioner and for use as of immediately prior to the effective date
29 of this code, may continue to be so used until the further order of the
30 commissioner made pursuant to this subsection or pursuant to any other
31 provision of this code.

32 (2) The commissioner may from time to time, after hearing,
33 promulgate such rules and regulations as he or she deems necessary to
34 establish reasonable minimum standard conditions and terminology for
35 basic benefits to be provided by disability insurance contracts which
36 are subject to chapters 48.20 and 48.21 RCW, for the purpose of
37 expediting his or her approval of such contracts pursuant to this code.

1 No such promulgation shall be inconsistent with standard provisions as
2 required pursuant to RCW 48.18.130, nor contain requirements
3 inconsistent with requirements relative to the same benefit provision
4 as formulated or approved by the National Association of Insurance
5 Commissioners.

6 **Sec. 7069.** RCW 48.18.130 and 1947 c 79 s .18.13 are each amended
7 to read as follows:

8 (1) Insurance contracts shall contain such standard provisions as
9 are required by the applicable chapters of this code pertaining to
10 contracts of particular kinds of insurance. The commissioner may waive
11 the required use of a particular standard provision in a particular
12 insurance contract form if

13 (a) he or she finds such provision unnecessary for the protection
14 of the insured, and inconsistent with the purposes of the contract, and

15 (b) the contract is otherwise approved by him or her.

16 (2) No insurance contract shall contain any provision inconsistent
17 with or contradictory to any such standard provision used or required
18 to be used, but the commissioner may, except as to the standard
19 provisions of individual disability insurance contracts as required
20 under chapter 48.20 RCW, approve any provision which is in his or her
21 opinion more favorable to the insured than the standard provision or
22 optional standard provision otherwise required. No endorsement, rider,
23 or other documents attached to such contract shall vary, extend, or in
24 any respect conflict with any such standard provision, or with any
25 modification thereof so approved by the commissioner as being more
26 favorable to the insured.

27 (3) In lieu of the standard provisions required by this code for
28 contracts for particular kinds of insurance, substantially similar
29 standard provisions required by the law of a foreign or alien insurer's
30 domicile may be used when approved by the commissioner.

31 **Sec. 7070.** RCW 48.18.293 and 1969 ex.s. c 241 s 21 are each
32 amended to read as follows:

33 (1) There shall be no liability on the part of, and no cause of
34 action of any nature shall arise against, the insurance commissioner,
35 his or her agents, or members of his or her staff, or against any
36 insurer, its authorized representative, its agents, its employees, or

1 any firm, person or corporation furnishing to the insurer information
2 as to reasons for cancellation or refusal to renew, for any statement
3 made by any of them in any written notice of cancellation or refusal to
4 renew, or in any other communications, oral or written, specifying the
5 reasons for cancellation or refusal to renew or the providing of
6 information pertaining thereto, or for statements made or evidence
7 submitted in any hearing conducted in connection therewith.

8 (2) Proof of mailing of notice of cancellation or refusal to renew
9 or of reasons for cancellation, to the named insured, at the latest
10 address filed with the insurer by or on behalf of the named insured
11 shall be sufficient proof of notice.

12 **Sec. 7071.** RCW 48.18.340 and 1947 c 79 s .18.34 are each amended
13 to read as follows:

14 (1) Every insurer issuing participating policies, shall pay
15 dividends, unused premium refunds or savings distributed on account of
16 any such policy, only to the real party in interest entitled thereto as
17 shown by the insurer's records, or to any person to whom the right
18 thereto has been assigned in writing of record with the insurer, or
19 given in the policy by such real party in interest.

20 (2) Any person who is shown by the insurer's records to have paid
21 for his or her own account, or to have been ultimately charged for, the
22 premium for insurance provided by a policy in which another person is
23 the nominal insured, shall be deemed such real party in interest
24 proportionate to premium so paid or so charged. This subsection shall
25 not apply as to any such dividend, refund, or distribution which would
26 amount to less than one dollar.

27 (3) This section shall not apply to contracts of group life
28 insurance, group annuities, or group disability insurance.

29 **Sec. 7072.** RCW 48.18.375 and 1973 1st ex.s. c 163 s 3 are each
30 amended to read as follows:

31 A person whose life is insured under a group insurance policy may,
32 subject and pursuant to the terms of the policy, or pursuant to an
33 arrangement between the insured, the group policyholder and the
34 insurer, assign to any or all his or her spouse, children, parents, or
35 a trust for the benefit of any or all of them, all or any part of his
36 or her incidents of ownership, rights, title, and interests, both

1 present and future, under such policy including specifically, but not
2 by way of limitation, the right to designate a beneficiary or
3 beneficiaries thereunder and the right to have an individual policy
4 issued to him in case of termination of employment or of said group
5 insurance policy. Such an assignment by the insured, made either
6 before or after July 16, 1973, is valid for the purpose of vesting in
7 the assignee, in accordance with any provisions included therein as to
8 the time at which it is to be effective, all of such incidents of
9 ownership, rights, title, and interests so assigned, but without
10 prejudice to the insurer on account of any payment it may make or
11 individual policy it may issue prior to receipt of notice of the
12 assignment. This section acknowledges, declares, and codifies the
13 existing right of assignment of interests under group insurance
14 policies.

15 **Sec. 7073.** RCW 48.18.400 and 1947 c 79 s .18.40 are each amended
16 to read as follows:

17 The proceeds or avails of all contracts of disability insurance and
18 of provisions providing benefits on account of the insured's disability
19 which are supplemental to life insurance or annuity contracts
20 heretofore or hereafter effected shall be exempt from all liability for
21 any debt of the insured, and from any debt of the beneficiary existing
22 at the time the proceeds are made available for his or her use.

23 **Sec. 7074.** RCW 48.18.410 and 1947 c 79 s .18.41 are each amended
24 to read as follows:

25 (1) The lawful beneficiary, assignee, or payee of a life insurance
26 policy, other than an annuity, heretofore or hereafter effected by any
27 person on his or her own life, or on the life of another, in favor of
28 a person other than himself or herself, shall be entitled to the
29 proceeds and avails of the policy against the creditors and
30 representatives of the insured and of the person effecting the
31 insurance, and such proceeds and avails shall also be exempt from all
32 liability for any debt of such beneficiary, existing at the time the
33 proceeds or avails are made available for his or her own use.

34 (2) The provisions of subsection (1) of this section shall apply

35 (a) whether or not the right to change the beneficiary is reserved
36 or permitted in the policy; or

1 (b) whether or not the policy is made payable to the person whose
2 life is insured or to his or her estate if the beneficiary, assignee or
3 payee shall predecease such person; except, that this subsection shall
4 not be construed so as to defeat any policy provision which provides
5 for disposition of proceeds in the event the beneficiary shall
6 predecease the insured.

7 (3) The exemptions provided by subsection (1) of this section,
8 subject to the statute of limitations, shall not apply

9 (a) to any claim to or interest in such proceeds or avails by or on
10 behalf of the insured, or the person so effecting the insurance, or
11 their administrators or executors, in whatever capacity such claim is
12 made or such interest is asserted; or

13 (b) to any claim to or interest in such proceeds or avails by or on
14 behalf of any person to whom rights thereto have been transferred with
15 intent to defraud creditors; but an insurer shall be liable to all such
16 creditors only as to amounts aggregating not to exceed the amount of
17 such proceeds or avails remaining in the insurer's possession at the
18 time the insurer receives at its home office written notice by or on
19 behalf of such creditors, of claims to recover for such transfer, with
20 specification of the amounts claimed; or

21 (c) to so much of such proceeds or avails as equals the amount of
22 any premiums or portion thereof paid for the insurance with intent to
23 defraud creditors, with interest thereon, and if prior to the payment
24 of such proceeds or avails the insurer has received at its home office
25 written notice by or on behalf of the creditor, of a claim to recover
26 for premiums paid with intent to defraud creditors, with specification
27 of the amount claimed.

28 (4) For the purposes of subsection (1) of this section a policy
29 shall also be deemed to be payable to a person other than the insured
30 if and to the extent that a facility-of-payment clause or similar
31 clause in the policy permits the insurer to discharge its obligation
32 after the death of the individual insured by paying the death benefits
33 to a person as permitted by such clause.

34 (5) No person shall be compelled to exercise any rights, powers,
35 options or privileges under any such policy.

36 **Sec. 7075.** RCW 48.18.420 and 1947 c 79 s .18.42 are each amended
37 to read as follows:

1 (1) A policy of group life insurance or the proceeds thereof
2 payable to the individual insured or to the beneficiary thereunder,
3 shall not be liable, either before or after payment, to be applied to
4 any legal or equitable process to pay any liability of any person
5 having a right under the policy. The proceeds thereof, when not made
6 payable to a named beneficiary or to a third person pursuant to a
7 facility-of-payment clause, shall not constitute a part of the estate
8 of the individual insured for the payment of his or her debts.

9 (2) This section shall not apply to group life insurance policies
10 issued under RCW 48.24.040 (debtor groups) to the extent that such
11 proceeds are applied to payment of the obligation for the purpose of
12 which the insurance was so issued.

13 **Sec. 7076.** RCW 48.18.440 and 1947 c 79 s .18.44 are each amended
14 to read as follows:

15 (1) Every life insurance policy heretofore or hereafter made
16 payable to or for the benefit of the spouse of the insured, and every
17 life insurance policy heretofore or hereafter assigned, transferred, or
18 in any way made payable to a spouse or to a trustee for the benefit of
19 a spouse, regardless of how such assignment or transfer is procured,
20 shall, unless contrary to the terms of the policy, inure to the
21 separate use and benefit of such spouse: PROVIDED, That the beneficial
22 interest of a spouse in a policy upon the life of a child of the
23 spouses, however such interest is created, shall be deemed to be a
24 community interest and not a separate interest, unless expressly
25 otherwise provided by the policy.

26 (2) In any life insurance policy heretofore or hereafter issued
27 upon the life of a spouse the designation heretofore or hereafter made
28 by such spouse of a beneficiary in accordance with the terms of the
29 policy, shall create a presumption that such beneficiary was so
30 designated with the consent of the other spouse, but only as to any
31 beneficiary who is the child, parent, brother, or sister of either of
32 the spouses. The insurer may in good faith rely upon the
33 representations made by the insured as to the relationship to him or
34 her of any such beneficiary.

35 **Sec. 7077.** RCW 48.18.450 and 1963 c 227 s 1 are each amended to
36 read as follows:

1 Life insurance may be made payable to a trustee to be named as
2 beneficiary in the policy and the proceeds of such insurance paid to
3 such trustee shall be held and disposed of by the trustee as provided
4 in a trust agreement or declaration of trust made by the insured during
5 his or her lifetime. It shall not be necessary to the validity of any
6 such trust agreement or declaration of trust that it have a trust
7 corpus other than the right of the trustee to receive such insurance
8 proceeds as beneficiary, and any such trustee may also receive assets,
9 other than insurance proceeds, by testamentary disposition and
10 administer them according to the terms of the trust agreement or
11 declaration of trust as they exist at the death of the testator.

12 **Sec. 7078.** RCW 48.18A.020 and 1973 1st ex.s. c 163 s 4 are each
13 amended to read as follows:

14 A domestic life insurer may, by or pursuant to resolution of its
15 board of directors, establish one or more separate accounts, and may
16 allocate thereto amounts (including without limitation proceeds applied
17 under optional modes of settlement or under dividend options) to
18 provide for life insurance or annuities (and other benefits incidental
19 thereto), payable in fixed or variable amounts or both, subject to the
20 following:

21 (1) The income, gains, and losses, realized or unrealized, from
22 assets allocated to a separate account shall be credited to or charged
23 against the account, without regard to other income, gains, or losses
24 of the insurer.

25 (2)(a) Except as hereinafter provided, amounts allocated to any
26 separate account and accumulations thereon may be invested and
27 reinvested without regard to any requirements or limitations prescribed
28 by the laws of this state governing the investments of life insurers:
29 PROVIDED, That to the extent that the insurer's reserve liability with
30 regard to (i) benefits guaranteed as to dollar amount and duration, and
31 (ii) funds guaranteed as to principal amount or stated rate of interest
32 is maintained in any separate account, a portion of the assets of such
33 separate account at least equal to such reserve liability shall be
34 invested under such conditions as the commissioner may prescribe. The
35 investments in such separate account or accounts shall not be taken
36 into account in applying the investment limitations applicable to the
37 investments of the insurer.

1 (b) With respect to seventy-five percent of the market value of the
2 total assets in a separate account no insurer shall purchase or
3 otherwise acquire the securities of any issuer, other than securities
4 issued or guaranteed as to principal or interest by the United States,
5 if immediately after such purchase or acquisition the market value of
6 such investment, together with prior investments of such separate
7 account in such security taken at market value, would exceed ten
8 percent of the market value of the assets of such separate account:
9 PROVIDED, That the commissioner may waive such limitation if, in his or
10 her opinion, such waiver will not render the operation of such separate
11 account hazardous to the public or the policyholders in this state.

12 (c) Unless otherwise permitted by law or approved by the
13 commissioner, no insurer shall purchase or otherwise acquire for its
14 separate accounts the voting securities of any issuer if as a result of
15 such acquisition the insurer and its separate accounts, in the
16 aggregate, will own more than ten percent of the total issued and
17 outstanding voting securities of such issuer: PROVIDED, That the
18 foregoing shall not apply with respect to securities held in separate
19 accounts, the voting rights in which are exercisable only in accordance
20 with instructions from persons having interests in such accounts.

21 (d) The limitations provided in paragraphs (b) and (c) of this
22 subsection shall not apply to the investment with respect to a separate
23 account in the securities of an investment company registered under the
24 United States Investment Company Act of 1940: PROVIDED, That the
25 investments of such investment company shall comply in substance
26 therewith.

27 (3) Unless otherwise approved by the commissioner, assets allocated
28 to a separate account shall be valued at their market value on the date
29 of valuation, or if there is no readily available market, then as
30 provided under the terms of the contract or the rules or other written
31 agreement applicable to such separate account: PROVIDED, That unless
32 otherwise approved by the commissioner, the portion, if any, of the
33 assets of such separate account equal to the insurer's reserve
34 liability with regard to the guaranteed benefits and funds referred to
35 in subsection (2) of this section shall be valued in accordance with
36 the rules otherwise applicable to the insurer's assets.

37 (4) Amounts allocated to a separate account in the exercise of the
38 power granted by this chapter shall be owned by the insurer and the

1 insurer shall not be, nor hold itself out to be, a trustee with respect
2 to such amounts. If and to the extent so provided under the applicable
3 contracts, that portion of the assets of any such separate account
4 equal to the reserves and other contract liabilities with respect to
5 such account shall not be chargeable with liabilities arising out of
6 any other business the insurer may conduct.

7 (5) No sale, exchange or other transfer of assets may be made by an
8 insurer between any of its separate accounts or between any other
9 investment account and one or more of its separate accounts unless, in
10 case of a transfer into a separate account, such transfer is made
11 solely to establish the account or to support the operation of the
12 contracts with respect to the separate account to which the transfer is
13 made, and unless such transfer, whether into or from a separate
14 account, is made (a) by a transfer of cash, or (b) by a transfer of
15 securities having a readily determinable market value: PROVIDED, That
16 such transfer of securities is approved by the commissioner. The
17 commissioner may approve other transfers among such accounts, if, in
18 his or her opinion, such transfers would not be inequitable.

19 (6) To the extent such insurer deems it necessary to comply with
20 any applicable federal or state law, such insurer, with respect to any
21 separate account, including without limitation any separate account
22 which is a management investment company or a unit investment trust,
23 may provide for persons having interest therein, as may be appropriate,
24 voting and other rights and special procedures for the conduct of the
25 business of such account, including without limitation, special rights
26 and procedures relating to investment policy, investment advisory
27 services, selection of independent public accountants, and the
28 selection of a committee, the members of which need not be otherwise
29 affiliated with such insurer, to manage the business of such account.

30 **Sec. 7079.** RCW 48.19.080 and 1981 c 339 s 18 are each amended to
31 read as follows:

32 Under such rules and regulations as he or she shall adopt the
33 commissioner may, by order, suspend or modify the requirement of filing
34 as to any kind of insurance. Such orders, rules and regulations shall
35 be made known to insurers and rating organizations affected thereby.
36 The commissioner may make such examination as he or she may deem

1 advisable to ascertain whether any rates affected by such order meet
2 the standard prescribed in RCW 48.19.020.

3 **Sec. 7080.** RCW 48.19.090 and 1947 c 79 s .19.09 are each amended
4 to read as follows:

5 Upon written application of the insured, stating his or her reasons
6 therefor, filed with and approved by the commissioner, a rate in excess
7 of that provided by a filing otherwise applicable may be used on any
8 specific risk.

9 **Sec. 7081.** RCW 48.19.100 and 1989 c 25 s 6 are each amended to
10 read as follows:

11 If within the waiting period or any extension thereof as provided
12 in RCW 48.19.060, the commissioner finds that a filing does not meet
13 the requirements of this chapter, he or she shall disapprove such
14 filing, and shall give notice of such disapproval, specifying the
15 respect in which he or she finds the filing fails to meet such
16 requirements, and stating that the filing shall not become effective,
17 to the insurer or rating organization which made the filing.

18 **Sec. 7082.** RCW 48.19.110 and 1947 c 79 s .19.11 are each amended
19 to read as follows:

20 (1) If within thirty days after a special filing subject to RCW
21 48.19.070 has become effective, the commissioner finds that the filing
22 does not meet the requirements of this chapter, he or she shall
23 disapprove the filing and shall give notice to the insurer or rating
24 organization which made the filing, specifying in what respects he or
25 she finds that the filing fails to meet such requirements and stating
26 when, within a reasonable period thereafter, the filing shall be deemed
27 no longer effective.

28 (2) Such disapproval shall not affect any contract made or issued
29 prior to the expiration of the period set forth in the notice of
30 disapproval.

31 **Sec. 7083.** RCW 48.19.120 and 1989 c 25 s 7 are each amended to
32 read as follows:

33 (1) If at any time subsequent to the applicable review period
34 provided in RCW 48.19.060 or 48.19.110, the commissioner finds that a

1 filing does not meet the requirements of this chapter, he or she shall,
2 after a hearing, notice of which was given to every insurer and rating
3 organization which made such filing, issue his or her order specifying
4 in what respect he or she finds that such filing fails to meet the
5 requirements of this chapter, and stating when, within a reasonable
6 period thereafter, the filings shall be deemed no longer effective.

7 (2) Such order shall not affect any contract or policy made or
8 issued prior to the expiration of the period set forth in the order.

9 (3) Any person aggrieved with respect to any filing then in effect,
10 other than the insurer or rating organization which made the filing,
11 may make written application to the commissioner for a hearing thereon.
12 The application shall specify the grounds to be relied upon by the
13 applicant. If the commissioner finds that the application is made in
14 good faith, that the applicant would be so aggrieved if his or her
15 grounds are established, and that such grounds otherwise justify
16 holding the hearing, he or she shall, within thirty days after receipt
17 of the application, hold a hearing as required in subsection (1) of
18 this section.

19 **Sec. 7084.** RCW 48.19.180 and 1947 c 79 s .19.18 are each amended
20 to read as follows:

21 (1) If the commissioner finds that the applicant for a license as
22 a rating organization is competent, trustworthy and otherwise qualified
23 so to act, and that its constitution, articles of agreement or
24 association or certificate of incorporation or trust agreement, and its
25 bylaws, rules and regulations governing the conduct of its business
26 conform to the requirements of law, he or she shall, upon payment of a
27 license fee of twenty-five dollars, issue a license specifying the
28 kinds of insurance, or subdivisions or class of risk or part or
29 combination thereof for which the applicant is authorized to act as a
30 rating organization.

31 (2) The commissioner shall grant or deny in whole or in part every
32 such application within sixty days of the date of its filing with him
33 or her.

34 (3) A license issued pursuant to this section shall remain in
35 effect for three years unless sooner suspended or revoked by the
36 commissioner.

1 **Sec. 7085.** RCW 48.19.190 and 1947 c 79 s .19.19 are each amended
2 to read as follows:

3 (1) The commissioner may, after a hearing, suspend or revoke the
4 license issued to a rating organization for any of the following
5 causes:

6 (a) If he or she finds that the licensee no longer meets the
7 qualifications for the license.

8 (b) For failure to comply with an order of the commissioner within
9 the time limited by the order, or any extension thereof which the
10 commissioner may grant.

11 (2) The commissioner shall not so suspend or revoke a license for
12 failure to comply with an order until the time prescribed by this code
13 for an appeal from such order to the superior court has expired or if
14 such appeal has been taken, until such order has been affirmed.

15 (3) The commissioner may determine when a suspension or revocation
16 of license shall become effective. A suspension of license shall
17 remain in effect for the period fixed by him or her, unless he or she
18 modifies or rescinds the suspension, or until the order, failure to
19 comply with which constituted grounds for the suspension, is modified,
20 rescinded or reversed.

21 **Sec. 7086.** RCW 48.19.220 and 1947 c 79 s .19.22 are each amended
22 to read as follows:

23 (1) The reasonableness of any rule or regulation in its application
24 to subscribers, or the refusal of any rating organization to admit an
25 insurer as a subscriber, shall, at the request of any subscriber or any
26 such insurer, be reviewed by the commissioner at a hearing held upon
27 notice to the rating organization, and to the subscriber or insurer.

28 (2) If the commissioner finds that such rule or regulation is
29 unreasonable in its application to subscribers, he or she shall order
30 that such rule or regulation shall not be applicable to subscribers who
31 are not members of the rating organization.

32 (3) If a rating organization fails to grant or reject an insurer's
33 application for subscribership within thirty days after it was made,
34 the insurer may request a review by the commissioner as if the
35 application had been rejected. If the commissioner finds that the
36 insurer has been refused admittance to the rating organization as a
37 subscriber without justification, he or she shall order the rating

1 organization to admit the insurer as a subscriber. If he or she finds
2 that the action of the rating organization was justified, he or she
3 shall make an order affirming its action.

4 **Sec. 7087.** RCW 48.19.250 and 1947 c 79 s .19.25 are each amended
5 to read as follows:

6 (1) Cooperation among rating organizations or among rating
7 organizations and insurers in rate making or in other matters within
8 the scope of this chapter is hereby authorized, if the filings
9 resulting from such cooperation are subject to all the provisions of
10 this chapter which are applicable to filings generally.

11 (2) The commissioner may review such cooperative activities and
12 practices and if, after a hearing, he or she finds that any such
13 activity or practice is unfair or unreasonable or otherwise
14 inconsistent with the provisions of this code, he or she may issue a
15 written order specifying in what respect such activity or practice is
16 so unfair, unreasonable, or inconsistent, and requiring the
17 discontinuance of such activity or practice.

18 **Sec. 7088.** RCW 48.19.290 and 1947 c 79 s .19.29 are each amended
19 to read as follows:

20 (1) Any subscriber to a rating organization may appeal to the
21 commissioner from the rating organization's action or decision in
22 approving or rejecting any proposed change in or addition to the rating
23 organization's filings. The commissioner shall, after a hearing on the
24 appeal:

25 (a) Issue an order approving the rating organization's action or
26 decision or directing it to give further consideration to such
27 proposal; or

28 (b) If the appeal is from the rating organization's action or
29 decision in rejecting a proposed addition to its filings, he or she
30 may, in event he or she finds that the action or decision was
31 unreasonable, issue an order directing the rating organization to make
32 an addition to its filings, on behalf of its subscribers, in a manner
33 consistent with his or her findings, within a reasonable time after the
34 issuance of such order.

35 (2) If such appeal is based upon the rating organization's failure
36 to make a filing on behalf of such subscriber which is based on a

1 system of expense provisions which differs, in accordance with the
2 right granted in subdivision (2) of RCW 48.19.030, from the system of
3 expense provisions included in a filing made by the rating
4 organization, the commissioner shall, if he or she grants the appeal,
5 order the rating organization to make the requested filing for use by
6 the appellant. In deciding the appeal the commissioner shall apply the
7 standards set forth in RCW 48.19.020 and 48.19.030.

8 **Sec. 7089.** RCW 48.19.310 and 1947 c 79 s .19.31 are each amended
9 to read as follows:

10 Every rating organization and every insurer which makes its own
11 rates shall provide within this state reasonable means whereby any
12 person aggrieved by the application of its rating system may be heard,
13 in person or by his or her authorized representative, on his or her
14 written request to review the manner in which such rating system has
15 been applied in connection with the insurance afforded him or her. If
16 the rating organization or insurer fails to grant or reject such
17 request within thirty days after it is made, the applicant may proceed
18 in the same manner as if his or her application had been rejected. Any
19 party affected by the action of such rating organization or such
20 insurer on such request may, within thirty days after written notice of
21 such action, appeal to the commissioner, who, after a hearing held upon
22 notice to the appellant and to the rating organization or insurer, may
23 affirm or reverse such action.

24 **Sec. 7090.** RCW 48.19.330 and 1947 c 79 s .19.33 are each amended
25 to read as follows:

26 Every advisory organization before serving as such to any rating
27 organization or independently filing insurer doing business in this
28 state, shall file with the commissioner:

29 (1) A copy of its constitution, its articles of agreement or
30 association or its certificate of incorporation and of its bylaws,
31 rules and regulations governing its activities;

32 (2) A list of its members;

33 (3) The name and address of a resident of this state upon whom
34 notices or orders of the commissioner or process issued at his or her
35 direction may be served; and

1 (4) An agreement that the commissioner may examine such advisory
2 organization in accordance with the provisions of RCW 48.03.010.

3 **Sec. 7091.** RCW 48.19.340 and 1947 c 79 s .19.34 are each amended
4 to read as follows:

5 If, after a hearing, the commissioner finds that the furnishing of
6 information or assistance by an advisory organization, as referred to
7 in RCW 48.19.320, involves any act or practice which is unfair or
8 unreasonable or otherwise inconsistent with the provisions of this
9 code, he or she may issue a written order specifying in what respect
10 such act or practice is unfair or unreasonable or so otherwise
11 inconsistent, and requiring the discontinuance of such act or practice.

12 **Sec. 7092.** RCW 48.19.350 and 1947 c 79 s .19.35 are each amended
13 to read as follows:

14 No insurer which makes its own filing nor any rating organization
15 shall support its filings by statistics or adopt rate making
16 recommendations, furnished to it by an advisory organization which has
17 not complied with this chapter or with any order of the commissioner
18 involving such statistics or recommendations issued under RCW
19 48.19.340. If the commissioner finds such insurer or rating
20 organization to be in violation of this section he or she may issue an
21 order requiring the discontinuance of the violation.

22 **Sec. 7093.** RCW 48.19.360 and 1947 c 79 s .19.36 are each amended
23 to read as follows:

24 (1) Every group, association or other organization of insurers
25 which engages in joint underwriting or joint reinsurance, shall be
26 subject to regulation with respect thereto as is provided in this
27 section, subject, however, with respect to joint underwriting, to all
28 other provisions of this chapter, and, with respect to joint
29 reinsurance, to RCW 48.19.270, 48.01.080 and 48.19.430; and to chapter
30 48.03 RCW of this code.

31 (2) If, after a hearing, the commissioner finds that any activity
32 or practice of any such group, association or other organization is
33 unfair or unreasonable or otherwise inconsistent with the provisions of
34 this chapter, he or she may issue a written order specifying in what

1 respects such activity or practice is unfair, or unreasonable or so
2 inconsistent, and requiring the discontinuance of the activity or
3 practice.

4 **Sec. 7094.** RCW 48.19.370 and 1947 c 79 s .19.37 are each amended
5 to read as follows:

6 (1) The commissioner shall promulgate reasonable rules and
7 statistical plans, reasonably adapted to each of the rating systems on
8 file with him or her, which may be modified from time to time and which
9 shall be used thereafter by each insurer in the recording and reporting
10 of its loss and countrywide expense experience, in order that the
11 experience of all insurers may be made available at least annually in
12 such form and detail as may be necessary to aid him or her in
13 determining whether rating systems comply with the standards set forth
14 in RCW 48.19.020 and 48.19.030. Such rules and plans may also provide
15 for the recording and reporting of expense experience items which are
16 specially applicable to this state and are not susceptible of
17 determination by a prorating of countrywide expense experience.

18 (2) In promulgating such rules and plans, the commissioner shall
19 give due consideration to the rating systems on file with him or her
20 and, in order that such rules and plans may be as uniform as is
21 practicable among the several states, to the rules and to the form of
22 the plans used for such rating systems in other states.

23 (3) No insurer shall be required to record or report its loss
24 experience on a classification basis that is inconsistent with the
25 rating system filed by it.

26 (4) The commissioner may designate one or more rating organizations
27 or other agencies to assist him or her in gathering such experience and
28 making compilations thereof, and such compilations shall be made
29 available, subject to reasonable rules promulgated by the commissioner,
30 to insurers and rating organizations.

31 (5) Reasonable rules and plans may be promulgated by the
32 commissioner for the interchange of data necessary for the application
33 of rating plans.

34 **Sec. 7095.** RCW 48.19.410 and 1983 1st ex.s. c 32 s 8 are each
35 amended to read as follows:

36 (1) The commissioner may permit the organization and operation of

1 examining bureaus for the examination of policies, daily reports,
2 binders, renewal certificates, endorsements, and other evidences of
3 insurance or of the cancellation thereof, for the purpose of
4 ascertaining that lawful rates are being charged.

5 (2) A bureau shall examine documents with regard to such kinds of
6 insurance as the commissioner may, after hearing, reasonably require to
7 be submitted for examination. A bureau may examine documents as to
8 such other kinds of insurance as the issuing insurers may voluntarily
9 submit for examination. Upon request of the commissioner, a bureau
10 shall also examine affidavits filed pursuant to RCW 48.15.040, surplus
11 lines contracts and related documents, and shall make recommendations
12 to the commissioner to assist the commissioner in determining whether
13 surplus lines have been procured in accordance with chapter 48.15 RCW
14 and rules issued thereunder.

15 (3) No bureau shall operate unless licensed by the commissioner as
16 to the kinds of insurance as to which it is permitted so to examine.
17 To qualify for a license a bureau shall:

18 (a) Be owned in trust for the benefit of all the insurers regularly
19 using its services, under a trust agreement approved by the
20 commissioner.

21 (b) Make its services available without discrimination to all
22 authorized insurers applying therefor, subject to such reasonable rules
23 and regulations as to the obligations of insurers using its services,
24 as to the conduct of its affairs, and as to the correction of errors
25 and omissions in documents examined by it as are approved by the
26 commissioner.

27 (c) Have no manager or other employee who is an employee of an
28 insurer other than to the extent that he or she is an employee of the
29 bureau owned by insurers through such trust agreement.

30 (d) Pay to the commissioner a fee of ten dollars for issuance of
31 its license.

32 (4) Such license shall be of indefinite duration and shall remain
33 in force until revoked by the commissioner or terminated at the request
34 of the bureau. The commissioner may revoke the license, after hearing,

- 35 (a) if the bureau is no longer qualified therefor;
- 36 (b) if the bureau fails to comply with a proper order of the
37 commissioner;

1 (c) if the bureau violates or knowingly participates in the
2 violation of any provision of this code.

3 (5) Any person aggrieved by any rule, regulation, act or omission
4 of a bureau may appeal to the commissioner therefrom. The commissioner
5 shall hold a hearing upon such appeal, and shall make such order upon
6 the hearing as he or she deems to be proper.

7 (6) Every such bureau operating in this state shall be subject to
8 the supervision of the commissioner, and the commissioner shall examine
9 it as provided in chapter 48.03 RCW of this code.

10 (7) Every examining bureau shall keep adequate records of the
11 outstanding errors and omissions found in coverages examined by it and
12 of its receipts and disbursements, and shall hold as confidential all
13 information contained in documents submitted to it for examination.

14 (8) The commissioner shall not license an additional bureau for the
15 examination of documents relative to a kind of insurance if such
16 documents are being examined by a then existing licensed bureau. Any
17 examining bureau operating in this state immediately prior to the
18 effective date of this code under any law of this state repealed as of
19 such date, shall have prior right to apply for and secure a license
20 under this section.

21 **Sec. 7096.** RCW 48.20.062 and 1951 c 229 s 7 are each amended to
22 read as follows:

23 There shall be a provision as follows:

24 GRACE PERIOD: A grace period of (insert a number not less
25 than "7" for weekly premium policies, "10" for monthly premium
26 policies, and "31" for all other policies) days will be granted for the
27 payment of each premium falling due after the first premium, during
28 which grace period the policy shall continue in force.

29 (A policy which contains a cancellation provision may add, at the
30 end of the above provision: "subject to the right of the insurer to
31 cancel in accordance with the cancellation provision hereof."

32 A policy in which the insurer reserves the right to refuse any
33 renewal shall have, at the beginning of the above provision: "Unless
34 not less than five days prior to the premium due date the insurer has
35 delivered to the insured or has mailed to his or her last address as
36 shown by the records of the insurer written notice of its intention not

1 to renew this policy beyond the period for which the premium has been
2 accepted.")

3 **Sec. 7097.** RCW 48.20.082 and 1951 c 229 s 9 are each amended to
4 read as follows:

5 There shall be a provision as follows:

6 NOTICE OF CLAIM: Written notice of claim must be given to the
7 insurer within twenty days after the occurrence or commencement of any
8 loss covered by the policy, or as soon thereafter as is reasonably
9 possible. Notice given by or on behalf of the insured or the
10 beneficiary to the insurer at (insert the location of
11 such office as the insurer may designate for the purpose), or to any
12 authorized agent of the insurer, with information sufficient to
13 identify the insured, shall be deemed notice to the insurer.

14 (In a policy providing a loss-of-time benefit which may be payable
15 for at least two years, an insurer may at its option insert the
16 following between the first and second sentences of the above
17 provision:

18 "Subject to the qualifications set forth below, if the insured
19 suffers loss of time on account of disability for which indemnity may
20 be payable for at least two years, he or she shall at least once in
21 every six months after having given notice of claim, give to the
22 insurer notice of continuance of said disability, except in the event
23 of legal incapacity. The period of six months following any filing of
24 proof by the insured or any payment by the insurer on account of such
25 claim or any denial of liability in whole or in part by the insurer
26 shall be excluded in applying this provision. Delay in the giving of
27 such notice shall not impair the insured's right to any indemnity which
28 would otherwise have accrued during the period of six months preceding
29 the date on which such notice is actually given.")

30 **Sec. 7098.** RCW 48.20.172 and 1951 c 229 s 18 are each amended to
31 read as follows:

32 There may be a provision as follows:

33 CHANGE OF OCCUPATION: If the insured be injured or contract
34 sickness after having changed his occupation to one classified by the
35 insurer as more hazardous than that stated in this policy or while
36 doing for compensation anything pertaining to an occupation so

1 classified, the insurer will pay only such portion of the indemnities
2 provided in this policy as the premium paid would have purchased at the
3 rates and within the limits fixed by the insurer for such more
4 hazardous occupation. If the insured changes his or her occupation to
5 one classified by the insurer as less hazardous than that stated in
6 this policy, the insurer, upon receipt of proof of such change of
7 occupation, will reduce the premium rate accordingly, and will return
8 the excess pro rata unearned premium from the date of change of
9 occupation or from the policy anniversary date immediately preceding
10 receipt of such proof, whichever is the more recent. In applying this
11 provision, the classification of occupational risk and the premium
12 rates shall be such as have been last filed by the insurer prior to the
13 occurrence of the loss for which the insurer is liable or prior to date
14 of proof of change in occupation with the state official having
15 supervision of insurance in the state where the insured resided at the
16 time this policy was issued; but if such filing was not required, then
17 the classification of occupational risk and the premium rates shall be
18 those last made effective by the insurer in such state prior to the
19 occurrence of the loss or prior to the date of proof of change in
20 occupation.

21 **Sec. 7099.** RCW 48.20.192 and 1951 c 229 s 20 are each amended to
22 read as follows:

23 There may be a provision as follows:

24 OTHER INSURANCE IN THIS INSURER: If an accident or sickness or
25 accident and sickness policy or policies previously issued by the
26 insurer to the insured be in force concurrently herewith, making the
27 aggregate indemnity for (insert type of coverage or
28 coverages) in excess of \$. (insert maximum limit of indemnity
29 or indemnities) the excess insurance shall be void and all premiums
30 paid for such excess shall be returned to the insured or to his estate.

31 Or, in lieu thereof:

32 Insurance effective at any one time on the insured under a like
33 policy or policies in this insurer is limited to the one such policy
34 elected by the insured, his or her beneficiary or his estate, as the
35 case may be, and the insurer will return all premiums paid for all
36 other such policies.

1 **Sec. 7100.** RCW 48.20.222 and 1987 c 185 s 28 are each amended to
2 read as follows:

3 (1) There may be a provision as follows:

4 RELATION OF EARNINGS TO INSURANCE: If the total monthly amount of
5 loss of time benefits promised for the same loss under all valid loss
6 of time coverage upon the insured, whether payable on a weekly or
7 monthly basis, shall exceed the monthly earnings of the insured at the
8 time disability commenced or his or her average monthly earnings for
9 the period of two years immediately preceding a disability for which
10 claim is made, whichever is the greater, the insurer will be liable
11 only for such proportionate amount of such benefits under this policy
12 as the amount of such monthly earnings of the insured bears to the
13 total amount of monthly benefits for the same loss under all such
14 coverage upon the insured at the time such disability commences and for
15 the return of such part of the premiums paid during such two years as
16 shall exceed the pro rata amount of the premiums for the benefits
17 actually paid hereunder; but this shall not operate to reduce the total
18 monthly amount of benefits payable under all such coverage upon the
19 insured below the sum of two hundred dollars or the sum of the monthly
20 benefits specified in such coverages, whichever is the lesser, nor
21 shall it operate to reduce benefits other than those payable for loss
22 of time.

23 (2) The foregoing policy provision may be inserted only in a policy
24 which the insured has the right to continue in force subject to its
25 terms by the timely payment of premiums (a) until at least age 50 or,
26 (b) in the case of a policy issued after age 44, for at least five
27 years from its date of issue. The insurer may, at its option, include
28 in this provision a definition of "valid loss of time coverage,"
29 approved as to form by the commissioner, which definition shall be
30 limited in subject matter to coverage provided by governmental agencies
31 or by organizations subject to regulation by insurance law or by
32 insurance authorities of this or any other state of the United States
33 or any province of Canada, or to any other coverage the inclusion of
34 which may be approved by the commissioner or any combination of such
35 coverages. In the absence of such definition such term shall not
36 include any coverage provided for such insured pursuant to any
37 compulsory benefit statute (including any workers' compensation or

1 employer's liability statute), or benefits provided by union welfare
2 plans or by employer or employee benefit organizations.

3 **Sec. 7101.** RCW 48.20.242 and 1951 c 229 s 25 are each amended to
4 read as follows:

5 There may be a provision as follows:

6 CANCELLATION: The insurer may cancel this policy at any time by
7 written notice delivered to the insured, or mailed to his or her last
8 address as shown by the records of the insurer, stating when, not less
9 than five days thereafter, such cancellation shall be effective; and
10 after the policy has been continued beyond its original term the
11 insured may cancel this policy at any time by written notice delivered
12 or mailed to the insurer, effective upon receipt or on such later date
13 as may be specified in such notice. In the event of cancellation, the
14 insurer will return promptly the unearned portion of any premium paid.
15 If the insured cancels, the earned premium shall be computed by the use
16 of the short-rate table last filed with the state official having
17 supervision of insurance in the state where the insured resided when
18 the policy was issued. If the insurer cancels, the earned premium
19 shall be computed pro rata. Cancellation shall be without prejudice to
20 any claim originating prior to the effective date of cancellation.

21 **Sec. 7102.** RCW 48.21.060 and 1947 c 79 s .21.06 are each amended
22 to read as follows:

23 There shall be a provision that a copy of the application, if any,
24 of the policyholder shall be attached to the policy when issued; that
25 all statements made by the policyholder or by the individuals insured
26 shall in the absence of fraud be deemed representations and not
27 warranties, and that no statement made by any individual insured shall
28 be used in any contest unless a copy of the instrument containing the
29 statement is or has been furnished to such individual or to his or her
30 beneficiary, if any.

31 **Sec. 7103.** RCW 48.21.110 and 1955 c 303 s 17 are each amended to
32 read as follows:

33 The benefits payable under any policy or contract of group or
34 blanket disability insurance shall be payable to the employee or other
35 insured member of the group or to the beneficiary designated by him or

1 her, other than the policyholder, employer or the association or any
2 officer thereof as such, subject to provisions of the policy in the
3 event there is no designated beneficiary as to all or any part of any
4 sum payable at the death of the individual insured.

5 The policy may provide that any hospital, medical, or surgical
6 benefits thereunder may be made payable jointly to the insured employee
7 or member and the person furnishing such hospital, medical, or surgical
8 services.

9 **Sec. 7104.** RCW 48.21A.030 and 1965 ex.s. c 70 s 29 are each
10 amended to read as follows:

11 Notwithstanding any other provision of this code or any other law
12 which may be inconsistent herewith, any insurer may join with one or
13 more other insurers, to plan, develop, underwrite, and offer and
14 provide to any person who is sixty-five years of age or older and to
15 the spouse of such person, extended health insurance against financial
16 loss from accident or disease, or both. Such insurance may be offered,
17 issued and administered jointly by two or more insurers by a group
18 policy issued to a policyholder through an association formed for the
19 purpose of offering, selling, issuing and administering such insurance.
20 The policyholder may be an association, a trustee, or any other person.
21 Any such policy may provide, among other things, that the benefits
22 payable thereunder are subject to reduction if the individual insured
23 has any other coverage providing hospital, surgical or medical benefits
24 whether on an indemnity basis or a provision of service basis resulting
25 in such insured being eligible for more than one hundred percent of
26 covered expenses which he or she is required to pay, and any insurer
27 issuing individual policies providing extended hospital, surgical or
28 medical benefits to persons sixty-five years of age and older and their
29 spouses may also use such a policy provision. A master group policy
30 issued to an association or to a trustee or any person appointed by an
31 association for the purpose of providing the insurances described in
32 this section shall be another form of group disability insurance.

33 Any form of policy approved by the commissioner for an association
34 shall be offered throughout Washington to all persons sixty-five and
35 older and their spouses, and the coverage of any person insured under
36 such a form of policy shall not be cancellable except for nonpayment of

1 premiums unless the coverage of all persons insured under such form of
2 policy is also canceled.

3 **Sec. 7105.** RCW 48.21A.060 and 1965 ex.s. c 70 s 32 are each
4 amended to read as follows:

5 The forms of the policies, applications, certificates or other
6 evidence of insurance coverage and applicable premium rates relating
7 thereto shall be filed with the commissioner. No such policy,
8 contract, or other evidence of insurance, application or other form
9 shall be sold, issued or used and no endorsement shall be attached to
10 or printed or stamped thereon unless the form thereof shall have been
11 approved by the commissioner or thirty days shall have expired after
12 such filing without written notice from the commissioner of disapproval
13 thereof. The commissioner shall disapprove the forms of such insurance
14 if he or she finds that they are unjust, unfair, inequitable,
15 misleading or deceptive or that the rates are by reasonable assumption
16 excessive in relation to the benefits provided. In determining whether
17 such rates by reasonable assumptions are excessive in relation to the
18 benefits provided, the commissioner shall give due consideration to
19 past and prospective claim experience, within and outside this state,
20 and to fluctuations in such claim experience, to a reasonable risk
21 charge, to contribution to surplus and contingency funds, to past and
22 prospective expenses, both within and outside this state, and to all
23 other relevant factors within and outside this state including any
24 differing operating methods of the insurers joining in the issue of the
25 policy. In exercising the powers conferred upon him or her by this
26 chapter, the commissioner shall not be bound by any other requirement
27 of this code with respect to standard provisions to be included in
28 disability policies or forms.

29 The commissioner may, after hearing upon written notice, withdraw
30 an approval previously given, upon such grounds as in his or her
31 opinion would authorize disapproval upon original submission thereof.
32 Any such withdrawal of approval after hearing shall be by notice in
33 writing specifying the ground thereof and shall be effective at the
34 expiration of such period, not less than ninety days after the giving
35 of notice of withdrawal, as the commissioner shall in such notice
36 prescribe.

1 If and when a program of hospital, surgical and medical benefits is
2 enacted by the federal government or the state of Washington, the
3 extended health insurance benefits provided by policies issued under
4 this chapter shall be adjusted to avoid any duplication of benefits
5 offered by the federal or state programs and the premium rates
6 applicable thereto shall be adjusted to conform with the adjusted
7 benefits.

8 The association shall submit an annual report to the insurance
9 commissioner which shall become public information and shall provide
10 information as to the number of persons insured, the names of the
11 insurers participating in the association with respect to insurance
12 offered under this chapter and the calendar year experience applicable
13 to such insurance offered under this chapter, including premiums
14 earned, claims paid during the calendar year, the amount of claims
15 reserve established, administrative expenses, commissions, promotional
16 expenses, taxes, contingency reserve, other expenses, and profit and
17 loss for the year. The commissioner shall require the association to
18 provide any and all information concerning the operations of the
19 association deemed relevant by him for inclusion in the report.

20 **Sec. 7106.** RCW 48.22.030 and 2007 c 80 s 14 are each amended to
21 read as follows:

22 (1) "Underinsured motor vehicle" means a motor vehicle with respect
23 to the ownership, maintenance, or use of which either no bodily injury
24 or property damage liability bond or insurance policy applies at the
25 time of an accident, or with respect to which the sum of the limits of
26 liability under all bodily injury or property damage liability bonds
27 and insurance policies applicable to a covered person after an accident
28 is less than the applicable damages which the covered person is legally
29 entitled to recover.

30 (2) No new policy or renewal of an existing policy insuring against
31 loss resulting from liability imposed by law for bodily injury, death,
32 or property damage, suffered by any person arising out of the
33 ownership, maintenance, or use of a motor vehicle shall be issued with
34 respect to any motor vehicle registered or principally garaged in this
35 state unless coverage is provided therein or supplemental thereto for
36 the protection of persons insured thereunder who are legally entitled
37 to recover damages from owners or operators of underinsured motor

1 vehicles, hit-and-run motor vehicles, and phantom vehicles because of
2 bodily injury, death, or property damage, resulting therefrom, except
3 while operating or occupying a motorcycle or motor-driven cycle, and
4 except while operating or occupying a motor vehicle owned or available
5 for the regular use by the named insured or any family member, and
6 which is not insured under the liability coverage of the policy. The
7 coverage required to be offered under this chapter is not applicable to
8 general liability policies, commonly known as umbrella policies, or
9 other policies which apply only as excess to the insurance directly
10 applicable to the vehicle insured.

11 (3) Except as to property damage, coverage required under
12 subsection (2) of this section shall be in the same amount as the
13 insured's third party liability coverage unless the insured rejects all
14 or part of the coverage as provided in subsection (4) of this section.
15 Coverage for property damage need only be issued in conjunction with
16 coverage for bodily injury or death. Property damage coverage required
17 under subsection (2) of this section shall mean physical damage to the
18 insured motor vehicle unless the policy specifically provides coverage
19 for the contents thereof or other forms of property damage.

20 (4) A named insured or spouse may reject, in writing, underinsured
21 coverage for bodily injury or death, or property damage, and the
22 requirements of subsections (2) and (3) of this section shall not
23 apply. If a named insured or spouse has rejected underinsured
24 coverage, such coverage shall not be included in any supplemental or
25 renewal policy unless a named insured or spouse subsequently requests
26 such coverage in writing. The requirement of a written rejection under
27 this subsection shall apply only to the original issuance of policies
28 issued after July 24, 1983, and not to any renewal or replacement
29 policy. When a named insured or spouse chooses a property damage
30 coverage that is less than the insured's third party liability coverage
31 for property damage, a written rejection is not required.

32 (5) The limit of liability under the policy coverage may be defined
33 as the maximum limits of liability for all damages resulting from any
34 one accident regardless of the number of covered persons, claims made,
35 or vehicles or premiums shown on the policy, or premiums paid, or
36 vehicles involved in an accident.

37 (6) The policy may provide that if an injured person has other

1 similar insurance available to him or her under other policies, the
2 total limits of liability of all coverages shall not exceed the higher
3 of the applicable limits of the respective coverages.

4 (7)(a) The policy may provide for a deductible of not more than
5 three hundred dollars for payment for property damage when the damage
6 is caused by a hit-and-run driver or a phantom vehicle.

7 (b) In all other cases of underinsured property damage coverage,
8 the policy may provide for a deductible of not more than one hundred
9 dollars.

10 (8) For the purposes of this chapter, a "phantom vehicle" shall
11 mean a motor vehicle which causes bodily injury, death, or property
12 damage to an insured and has no physical contact with the insured or
13 the vehicle which the insured is occupying at the time of the accident
14 if:

15 (a) The facts of the accident can be corroborated by competent
16 evidence other than the testimony of the insured or any person having
17 an underinsured motorist claim resulting from the accident; and

18 (b) The accident has been reported to the appropriate law
19 enforcement agency within seventy-two hours of the accident.

20 (9) An insurer who elects to write motorcycle or motor-driven cycle
21 insurance in this state must provide information to prospective
22 insureds about the coverage.

23 (10) An insurer who elects to write motorcycle or motor-driven
24 cycle insurance in this state must provide an opportunity for named
25 insureds, who have purchased liability coverage for a motorcycle or
26 motor-driven cycle, to reject underinsured coverage for that motorcycle
27 or motor-driven cycle in writing.

28 (11) If the covered person seeking underinsured motorist coverage
29 under this section was the intended victim of the tort feason, the
30 incident must be reported to the appropriate law enforcement agency and
31 the covered person must cooperate with any related law enforcement
32 investigation.

33 (12) The purpose of this section is to protect innocent victims of
34 motorists of underinsured motor vehicles. Covered persons are entitled
35 to coverage without regard to whether an incident was intentionally
36 caused. However, a person is not entitled to coverage if the insurer
37 can demonstrate that the covered person intended to cause the event for
38 which a claim is made under the coverage described in this section. As

1 used in this section, and in the section of policies providing the
2 underinsured motorist coverage described in this section, "accident"
3 means an occurrence that is unexpected and unintended from the
4 standpoint of the covered person.

5 (13) "Underinsured coverage," for the purposes of this section,
6 means coverage for "underinsured motor vehicles," as defined in
7 subsection (1) of this section.

8 **Sec. 7107.** RCW 48.23.070 and 1947 c 79 s .23.07 are each amended
9 to read as follows:

10 (1) In all policies which provide for participation in the
11 insurer's surplus, there shall be a provision that the policy shall so
12 participate annually in the insurer's divisible surplus as apportioned
13 by the insurer, beginning not later than the end of the third policy
14 year. Any policy containing provision for annual participation
15 beginning at the end of the first policy year, may also provide that
16 each dividend shall be paid subject to the payment of the premiums for
17 the next ensuing year. The insured under any annual dividend policy
18 shall have the right each year to have the current dividend arising
19 from such participation either paid in cash, or applied in accordance
20 with such other dividend option as may be specified in the policy and
21 elected by the insured. The policy shall further provide which of the
22 options shall be effective if the insured shall fail to notify the
23 insurer in writing of his or her election within the period of grace
24 allowed for the payment of premium.

25 (2) This section shall not apply to paid-up nonforfeiture benefits
26 nor paid-up policies issued on default in payment of premiums.

27 **Sec. 7108.** RCW 48.24.120 and 1947 c 79 s 24.12 are each amended to
28 read as follows:

29 There shall be a provision that the validity of the policy shall
30 not be contested, except for nonpayment of premiums, after it has been
31 in force for two years from its date of issue; and that no statement
32 made by an individual insured under the policy relating to his or her
33 insurability shall be used in contesting the validity of the insurance
34 with respect to which such statement was made after such insurance has
35 been in force prior to the contest for a period of two years during

1 such individual's lifetime nor unless it is contained in a written
2 instrument signed by him.

3 **Sec. 7109.** RCW 48.24.130 and 1947 c 79 s .24.13 are each amended
4 to read as follows:

5 There shall be a provision that a copy of the application, if any,
6 of the policyholder shall be attached to the policy when issued and
7 become a part of the contract; that all statements made by the
8 policyholder or by the persons insured shall be deemed representations
9 and not warranties, and that no statement made by any person insured
10 shall be used in any contest unless a copy of the instrument containing
11 the statement is or has been furnished to such person or to his or her
12 beneficiary.

13 **Sec. 7110.** RCW 48.24.140 and 1947 c 79 s .24.14 are each amended
14 to read as follows:

15 There shall be a provision setting forth the conditions, if any,
16 under which the insurer reserves the right to require a person eligible
17 for insurance to furnish evidence of individual insurability
18 satisfactory to the insurer as a condition to part or all of his or her
19 coverage.

20 **Sec. 7111.** RCW 48.24.170 and 1961 c 194 s 10 are each amended to
21 read as follows:

22 There shall be a provision that the insurer will issue to the
23 policyholder for delivery to each individual insured a certificate
24 setting forth a statement as to the insurance protection to which he or
25 she is entitled, to whom the insurance benefits are payable, described
26 by name, relationship, or reference to the insurance records of the
27 policyholder or insurer, and the rights and conditions set forth in RCW
28 48.24.180, 48.24.190 and 48.24.200, following.

29 **Sec. 7112.** RCW 48.24.180 and 1955 c 303 s 24 are each amended to
30 read as follows:

31 There shall be a provision that if the insurance, or any portion of
32 it, on an individual covered under the policy, other than a child
33 insured pursuant to RCW 48.24.030, ceases because of termination of
34 employment or of membership in the class or classes eligible for

1 coverage under the policy, such individual shall be entitled to have
2 issued to him or her by the insurer, without evidence of insurability,
3 an individual policy of life insurance without disability or other
4 supplementary benefits, provided application for the individual policy
5 shall be made, and the first premium paid to the insurer, within
6 thirty-one days after such termination, and provided further that,

7 (1) the individual policy shall, at the option of such individual,
8 be on any one of the forms, except term insurance, then customarily
9 issued by the insurer at the age and for the amount applied for;

10 (2) the individual policy shall be in an amount not in any event in
11 excess of the amount of life insurance which ceases because of such
12 termination nor less than one thousand dollars unless a smaller amount
13 of coverage was provided for such individual under the group policy:
14 PROVIDED, That any amount of insurance which matures on the date of
15 such termination or has matured prior thereto under the group policy as
16 an endowment payable to the individual insured, whether in one sum or
17 in installments or in the form of an annuity, shall not, for the
18 purposes of this provision, be included in the amount which is
19 considered to cease because of such termination; and

20 (3) the premium on the individual policy shall be at the insurer's
21 then customary rate applicable to the form and amount of the individual
22 policy, to the class of risk to which such individual then belongs, and
23 to his or her age attained on the effective date of the individual
24 policy.

25 **Sec. 7113.** RCW 48.24.190 and 1953 c 197 s 13 are each amended to
26 read as follows:

27 There shall be a provision that if the group policy terminates or
28 is amended so as to terminate the insurance of any class of insured
29 individuals, every individual insured thereunder at the date of such
30 termination, other than a child insured pursuant to RCW 48.24.030,
31 whose insurance terminates and who has been so insured for at least
32 five years prior to such termination date shall be entitled to have
33 issued to him or her by the insurer an individual policy of life
34 insurance, subject to the same conditions and limitations as are
35 provided by RCW 48.24.180, except that the group policy may provide
36 that the amount of such individual policy shall not exceed the smaller
37 of (a) the amount of the individual's life insurance protection ceasing

1 because of the termination or amendment of the group policy, less the
2 amount of any life insurance for which he or she is or becomes eligible
3 under any group policy issued or reinstated by the same or another
4 insurer within thirty-one days of such termination and (b) two thousand
5 dollars.

6 **Sec. 7114.** RCW 48.24.200 and 1947 c 79 s .24.20 are each amended
7 to read as follows:

8 There shall be a provision that if a person insured under the group
9 policy dies during the period within which he or she would have been
10 entitled to have an individual policy issued to him or her in
11 accordance with RCW 48.24.180 and 48.24.190, and before such an
12 individual policy shall have become effective, the amount of life
13 insurance which he or she would have been entitled to have issued to
14 him or her under such individual policy shall be payable as a claim
15 under the group policy, whether or not application for the individual
16 policy or the payment of the first premium therefor has been made.

17 **Sec. 7115.** RCW 48.25.180 and 1947 c 79 s .25.18 are each amended
18 to read as follows:

19 There shall be a provision in the case of weekly premium policies
20 granting, upon proper written request and upon presentation of evidence
21 of the insurability of the insured satisfactory to the insurer, the
22 privilege of converting his or her weekly premium industrial insurance
23 to any form of life insurance with less frequent premium payments
24 regularly issued by the insurer, in accordance with terms and
25 conditions agreed upon with the insurer. The privilege of making such
26 conversion need be granted only if the insurer's weekly premium
27 industrial policies on the life insured, in force as premium paying
28 insurance and on which conversion is requested, grant benefits in event
29 of death, exclusive of additional accidental death benefits and
30 exclusive of any dividend additions, in an amount not less than the
31 minimum amount of such insurance with less frequent premium payments
32 issued by the insurer at the age of the insured on the plan of
33 industrial or ordinary insurance desired.

34 **Sec. 7116.** RCW 48.25.190 and 1947 c 79 s .25.19 are each amended
35 to read as follows:

1 There shall be a provision, in the case of monthly premium
2 industrial policies, granting, upon proper written request and upon
3 presentation of evidence of the insurability of the insured
4 satisfactory to the insurer, the privilege of converting his or her
5 monthly premium industrial insurance to any form of ordinary life
6 insurance regularly issued by the insurer, in accordance with terms and
7 conditions agreed upon with the insurer. The privilege of making such
8 conversions need be granted only if the insurer's monthly premium
9 industrial policies on the life insured, in force as premium paying
10 insurance and on which conversion is requested, grant benefits in event
11 of death, exclusive of additional accidental death benefits and
12 exclusive of any dividend additions, in an amount not less than the
13 minimum amount of ordinary insurance issued by the insurer at the age
14 of the insured on the plan of ordinary insurance desired.

15 **Sec. 7117.** RCW 48.28.020 and 1955 c 30 s 1 are each amended to
16 read as follows:

17 Any fiduciary required by law to give bonds, may include as part of
18 his or her lawful expense to be allowed by the court or official by
19 whom he or she was appointed, the reasonable amount paid as premium for
20 such bonds to the authorized surety insurer or to the surplus line
21 surety insurer which issued or guaranteed such bonds.

22 **Sec. 7118.** RCW 48.30.020 and 1947 c 79 s .30.02 are each amended
23 to read as follows:

24 (1) No person shall either within or outside of this state enter
25 into any contract, understanding or combination with any other person
26 to do jointly or severally any act or engage in any practice for the
27 purpose of

28 (a) controlling the rates to be charged for insuring any risk or
29 any class of risks in this state; or

30 (b) unfairly discriminating against any person in this state by
31 reason of his or her plan or method of transacting insurance, or by
32 reason of his or her affiliation or nonaffiliation with any insurance
33 organization; or

34 (c) establishing or perpetuating any condition in this state
35 detrimental to free competition in the business of insurance or
36 injurious to the insuring public.

1 (2) This section shall not apply relative to ocean marine and
2 foreign trade insurances.

3 (3) This section shall not be deemed to prohibit the doing of
4 things permitted to be done in accordance with the provisions of
5 chapter 48.19 RCW of this code.

6 (4) Whenever the commissioner has knowledge of any violation of
7 this section he or she shall forthwith order the offending person to
8 discontinue such practice immediately or show cause to the satisfaction
9 of the commissioner why such order should not be complied with. If the
10 offender is an insurer or a licensee under this code and fails to
11 comply with such order within thirty days after receipt thereof, the
12 commissioner may forthwith revoke the offender's certificate of
13 authority or licenses.

14 **Sec. 7119.** RCW 48.30.120 and 1947 c 79 s .30.12 are each amended
15 to read as follows:

16 No director, officer, agent, attorney-in-fact, or employee of an
17 insurer shall:

18 (1) Knowingly receive or possess himself of any of its property,
19 otherwise than in payment for a just demand, and with intent to
20 defraud, omit to make or to cause or direct to be made, a full and true
21 entry thereof in its books and accounts; nor

22 (2) Make or concur in making any false entry, or concur in omitting
23 to make any material entry, in its books or accounts; nor

24 (3) Knowingly concur in making or publishing any written report,
25 exhibit or statement of its affairs or pecuniary condition containing
26 any material statement which is false, or omit or concur in omitting
27 any statement required by law to be contained therein; nor

28 (4) Having the custody or control of its books, willfully fail to
29 make any proper entry in the books of the insurer as required by law,
30 or to exhibit or allow the same to be inspected and extracts to be
31 taken therefrom by any person entitled by law to inspect the same, or
32 take extracts therefrom; nor

33 (5) If a notice of an application for an injunction or other legal
34 process affecting or involving the property or business of the insurer
35 is served upon him or her, fail to disclose the fact of such service
36 and the time and place of such application to the other directors,
37 officers, and managers thereof; nor

1 (6) Fail to make any report or statement lawfully required by a
2 public officer.

3 **Sec. 7120.** RCW 48.30.130 and 1947 c 79 s .30.13 are each amended
4 to read as follows:

5 A director of an insurer is deemed to have such knowledge of its
6 affairs as to enable him or her to determine whether any act,
7 proceeding, or omission of its directors is a violation of any
8 provision of this chapter. If present at a meeting of directors at
9 which any act, proceeding, or omission of its directors which is a
10 violation of any such provision occurs, he or she must be deemed to
11 have concurred therein unless at the time he or she causes or in
12 writing requires his or her dissent therefrom to be entered on the
13 minutes of the directors.

14 If absent from such meeting, he or she must be deemed to have
15 concurred in any such violation if the facts constituting such
16 violation appear on the records or minutes of the proceedings of the
17 board of directors, and he or she remains a director of the insurer for
18 six months thereafter without causing or in writing requiring his or
19 her dissent from such violation to be entered upon such record or
20 minutes.

21 **Sec. 7121.** RCW 48.30.250 and 1949 c 190 s 34 are each amended to
22 read as follows:

23 (1) Any insurer may retain, invest in or acquire the whole or any
24 part of the capital stock of any other insurer or insurers, or have a
25 common management with any other insurer or insurers, unless such
26 retention, investment, acquisition or common management is inconsistent
27 with any other provision of this title, or unless by reason thereof the
28 business of such insurers with the public is conducted in a manner
29 which substantially lessens competition generally in the insurance
30 business or tends to create a monopoly therein.

31 (2) Any person otherwise qualified may be a director of two or more
32 insurers which are competitors, unless the effect thereof is to
33 substantially lessen competition between insurers generally or tends to
34 create a monopoly.

35 (3) If the commissioner finds, after a hearing thereon, that there

1 is violation of this section he or she shall order all such persons and
2 insurers to cease and desist from such violation within such time, or
3 extension thereof, as may be specified in such order.

4 **Sec. 7122.** RCW 48.31.010 and 1973 1st ex.s. c 107 s 3 are each
5 amended to read as follows:

6 (1) Subject to the provisions of RCW 48.08.080, relating to the
7 mutualization of stock insurers, RCW 48.09.350, relating to the
8 conversion or reinsurance of mutual insurers, and RCW 48.10.330,
9 relating to the consolidation or conversion of reciprocal insurers, a
10 domestic insurer may merge or consolidate with another insurer, subject
11 to the following conditions:

12 (a) The plan of merger or consolidation must be submitted to and be
13 approved by the commissioner in advance of the merger or consolidation.

14 (b) The commissioner shall not approve any such plan unless, after
15 a hearing, pursuant to such notice as the commissioner may require, he
16 or she finds that it is fair, equitable, consistent with law, and that
17 no reasonable objection exists. If the commissioner fails to approve
18 the plan, he or she shall state his or her reasons for such failure in
19 his or her order made on such hearing. The insurers involved in the
20 merger shall bear the expense of the mailing of the notice of hearing
21 and of the order on hearing.

22 (c) No director, officer, member, or subscriber of any such
23 insurer, except as is expressly provided by the plan of merger or
24 consolidation, shall receive any fee, commission, other compensation or
25 valuable consideration whatsoever, for in any manner aiding, promoting
26 or assisting in the merger or consolidation.

27 (d) Any merger or consolidation as to an incorporated domestic
28 insurer shall in other respects be governed by the general laws of this
29 state relating to business corporations. Except, that as to domestic
30 mutual insurers, approval by two-thirds of its members who vote thereon
31 pursuant to such notice and procedure as was approved by the
32 commissioner shall constitute approval of the merger or consolidation
33 as respects the insurer's members.

34 (2) Reinsurance of all or substantially all of the insurance in
35 force of a domestic insurer by another insurer shall be deemed a
36 consolidation for the purposes of this section.

1 **Sec. 7123.** RCW 48.31.050 and 1947 c 79 s .31.05 are each amended
2 to read as follows:

3 The commissioner may apply for an order directing him or her to
4 liquidate the business of a domestic insurer or of the United States
5 branch of an alien insurer having trusteed assets in this state,
6 regardless of whether or not there has been a prior order directing him
7 or her to rehabilitate such insurer, upon any of the grounds specified
8 in RCW 48.31.030 or upon any one or more of the following grounds:
9 That the insurer

10 (1) Has ceased transacting business for a period of one year; or

11 (2) Is an insolvent insurer and has commenced voluntary liquidation
12 or dissolution, or attempts to commence or prosecute any action or
13 proceeding to liquidate its business or affairs, or to dissolve its
14 corporate charter, or to procure the appointment of a receiver,
15 trustee, custodian, or sequestrator under any law except this code; or

16 (3) Has not organized or completed its organization and obtained a
17 certificate of authority as an insurer prior to the expiration or
18 revocation of its solicitation permit.

19 **Sec. 7124.** RCW 48.31.060 and 1947 c 79 s .31.06 are each amended
20 to read as follows:

21 (1) An order to liquidate the business of a domestic insurer shall
22 direct the commissioner forthwith to take possession of the property of
23 the insurer, to liquidate its business, to deal with the insurer's
24 property and business in his or her own name as commissioner or in the
25 name of the insurer as the court may direct, to give notice to all
26 creditors who may have claims against the insurer to present such
27 claims.

28 (2) The commissioner may apply under this chapter for an order
29 dissolving the corporate existence of a domestic insurer:

30 (a) Upon his or her application for an order of liquidation of such
31 insurer, or at any time after such order has been granted; or

32 (b) Upon the grounds specified in item (3) of RCW 48.31.050,
33 regardless of whether an order of liquidation is sought or has been
34 obtained.

35 **Sec. 7125.** RCW 48.31.080 and 1947 c 79 s .31.08 are each amended
36 to read as follows:

1 The commissioner may apply for an order directing him or her to
2 conserve the assets within this state of a foreign insurer upon any one
3 or more of the following grounds:

4 (1) Upon any of the grounds specified in items (1) to (9) inclusive
5 of RCW 48.31.030 and in item (2) of RCW 48.31.050.

6 (2) That its property has been sequestered in its domiciliary
7 sovereignty or in any other sovereignty.

8 **Sec. 7126.** RCW 48.31.090 and 1947 c 79 s .31.09 are each amended
9 to read as follows:

10 The commissioner may apply for an order directing him or her to
11 conserve the assets within this state of an alien insurer upon any one
12 or more of the following grounds:

13 (1) Upon any of the grounds specified in items (1) to (9) inclusive
14 of RCW 48.31.030 and in item (2) of RCW 48.31.050; or

15 (2) That the insurer has failed to comply, within the time
16 designated by the commissioner, with an order of the commissioner
17 pursuant to law to make good an impairment of its trusteed funds; or

18 (3) That the property of the insurer has been sequestered in its
19 domiciliary sovereignty or elsewhere.

20 **Sec. 7127.** RCW 48.31.190 and 1993 c 462 s 82 are each amended to
21 read as follows:

22 (1) Proceedings under this chapter involving a domestic insurer
23 shall be commenced in the superior court for the county in which is
24 located the insurer's home office or, at the election of the
25 commissioner, in the superior court for Thurston county. Proceedings
26 under this chapter involving other insurers shall be commenced in the
27 superior court for Thurston county.

28 (2) The commissioner shall commence any such proceeding, the
29 attorney general representing him or her, by an application to the
30 court or to any judge thereof, for an order directing the insurer to
31 show cause why the commissioner should not have the relief prayed for.

32 (3) Upon a showing of an emergency or threat of imminent loss to
33 policyholders of the insurer the court may issue an ex parte order
34 authorizing the commissioner immediately to take over the premises and
35 assets of the insurer, the commissioner then to preserve the status

1 quo, pending a hearing on the order to show cause, which shall be heard
2 as soon as the court calendar permits in preference to other civil
3 cases.

4 (4) In response to any order to show cause issued under this
5 chapter the insurer shall have the burden of going forward with and
6 producing evidence to show why the relief prayed for by the
7 commissioner is not required.

8 (5) On the return of such order to show cause, and after a full
9 hearing, the court shall either deny the relief sought in the
10 application or grant the relief sought in the application together with
11 such other relief as the nature of the case and the interest of
12 policyholders, creditors, stockholders, members, subscribers, or the
13 public may require.

14 (6) No appellate review of a superior court order, entered after a
15 hearing, granting the commissioner's petition to rehabilitate an
16 insurer or to carry out an insolvency proceeding under this chapter,
17 shall stay the action of the commissioner in the discharge of his
18 responsibilities under this chapter, pending a decision by the
19 appellate court in the matter.

20 (7) In any proceeding under this chapter the commissioner and his
21 or her deputies shall be responsible on their official bonds for the
22 faithful performance of their duties. If the court deems it desirable
23 for the protection of the assets, it may at any time require an
24 additional bond from the commissioner or his or her deputies.

25 **Sec. 7128.** RCW 48.31.210 and 1947 c 79 s .31.21 are each amended
26 to read as follows:

27 At any time after the commencement of a proceeding under this
28 chapter the commissioner may apply to the court for an order changing
29 the venue of, and removing the proceeding to Thurston county, or to any
30 other county of this state in which he or she deems that such
31 proceeding may be most economically and efficiently conducted.

32 **Sec. 7129.** RCW 48.31.220 and 1947 c 79 s .31.22 are each amended
33 to read as follows:

34 The moneys collected by the commissioner in a proceeding under this
35 chapter, shall be, from time to time, deposited in one or more state or
36 national banks, savings banks, or trust companies, and in the case of

1 the insolvency or voluntary or involuntary liquidation of any such
2 depositary which is an institution organized and supervised under the
3 laws of this state, such deposits shall be entitled to priority of
4 payment on an equality with any other priority given by the banking law
5 of this state. The commissioner may in his or her discretion deposit
6 such moneys or any part thereof in a national bank or trust company as
7 a trust fund.

8 **Sec. 7130.** RCW 48.31.230 and 1947 c 79 s .31.23 are each amended
9 to read as follows:

10 The commissioner shall not be required to pay any fee to any public
11 officer in this state for filing, recording, issuing a transcript or
12 certificate, or authenticating any paper or instrument pertaining to
13 the exercise by the commissioner of any of the powers or duties
14 conferred upon him or her under this chapter, whether or not such paper
15 or instrument be executed by the commissioner or his or her deputies,
16 employees, or attorneys of record and whether or not it is connected
17 with the commencement of an action or proceeding by or against the
18 commissioner, or with the subsequent conduct of such action or
19 proceeding.

20 **Sec. 7131.** RCW 48.31.240 and 1947 c 79 s .31.24 are each amended
21 to read as follows:

22 For the purpose of facilitating the rehabilitation, liquidation,
23 conservation or dissolution of an insurer pursuant to this chapter the
24 commissioner may, subject to the approval of the court, borrow money
25 and execute, acknowledge and deliver notes or other evidences of
26 indebtedness therefor and secure the repayment of the same by the
27 mortgage, pledge, assignment, transfer in trust, or hypothecation of
28 any or all of the property whether real, personal or mixed of such
29 insurer, and the commissioner, subject to the approval of the court,
30 shall have power to take any and all other action necessary and proper
31 to consummate any such loans and to provide for the repayment thereof.
32 The commissioner shall be under no obligation personally or in his or
33 her official capacity as commissioner to repay any loan made pursuant
34 to this section.

1 **Sec. 7132.** RCW 48.31.270 and 1947 c 79 s .31.27 are each amended
2 to read as follows:

3 (1) Any transfer of, or lien upon, the property of an insurer which
4 is made or created within four months prior to the granting of an order
5 to show cause under this chapter with the intent of giving to any
6 creditor or of enabling him or her to obtain a greater percentage of
7 his or her debt than any other creditor of the same class and which is
8 accepted by such creditor having reasonable cause to believe that such
9 a preference will occur, shall be voidable.

10 (2) Every director, officer, employee, stockholder, member,
11 subscriber, and any other person acting on behalf of such insurer who
12 shall be concerned in any such act or deed and every person receiving
13 thereby any property of such insurer or the benefit thereof shall be
14 personally liable therefor and shall be bound to account to the
15 commissioner.

16 (3) The commissioner as liquidator, rehabilitator or conservator in
17 any proceeding under this chapter, may avoid any transfer of, or lien
18 upon the property of an insurer which any creditor, stockholder,
19 subscriber or member of such insurer might have avoided and may recover
20 the property so transferred unless such person was a bona fide holder
21 for value prior to the date of the granting of an order to show cause
22 under this chapter. Such property or its value may be recovered from
23 anyone who has received it except a bona fide holder for value as above
24 specified.

25 **Sec. 7133.** RCW 48.31.290 and 1947 c 79 s .31.29 are each amended
26 to read as follows:

27 (1) In all cases of mutual debts or mutual credits between the
28 insurer and another person in connection with any action or proceeding
29 under this chapter, such credits and debts shall be set off and the
30 balance only shall be allowed or paid, except as provided in subsection
31 (2) of this section.

32 (2) No offset shall be allowed in favor of any such person where
33 (a) the obligation of the insurer to such person would not at the date
34 of the entry of any liquidation order, or otherwise, as provided in RCW
35 48.31.260, entitle him or her to share as a claimant in the assets of
36 the insurer, or (b) the obligation of the insurer to such person was
37 purchased by or transferred to such person with a view of its being

1 used as an offset, or (c) the obligation of such person is to pay an
2 assessment levied against the members of a mutual insurer, or against
3 the subscribers of a reciprocal insurer, or is to pay a balance upon a
4 subscription to the capital stock of a stock insurer.

5 **Sec. 7134.** RCW 48.31.310 and 1947 c 79 s .31.31 are each amended
6 to read as follows:

7 (1) If upon the granting of an order of liquidation under this
8 chapter or at any time thereafter during the liquidation proceeding,
9 the insurer shall not be clearly solvent, the court shall after such
10 notice and hearing as it deems proper, make an order declaring the
11 insurer to be insolvent. Thereupon, regardless of any prior notice
12 which may have been given to creditors, the commissioner shall notify
13 all persons who may have claims against such insurer and who have not
14 filed proper proofs thereof, to present the same to him or her, at a
15 place specified in such notice, within four months from the date of the
16 entry of such order, or if the commissioner shall certify that it is
17 necessary, within such longer time as the court shall prescribe. The
18 last day for the filing of proofs of claim shall be specified in the
19 notice. Such notice shall be given in a manner determined by the
20 court.

21 (2) Proofs of claim may be filed subsequent to the date specified,
22 but no such claim shall share in the distribution of the assets until
23 all allowed claims, proofs of which have been filed before said date,
24 have been paid in full with interest.

25 **Sec. 7135.** RCW 48.31.340 and 1947 c 79 s .31.34 are each amended
26 to read as follows:

27 After levy of assessment as provided in RCW 48.31.330, upon the
28 filing of a further detailed report by the commissioner, the court
29 shall issue an order directing each member (if a mutual insurer) or
30 each subscriber (if a reciprocal insurer) if he or she shall not pay
31 the amount assessed against him or her to the commissioner on or before
32 a day to be specified in the order, to show cause why he or she should
33 not be held liable to pay such assessment together with costs as set
34 forth in RCW 48.31.360 and why the commissioner should not have
35 judgment therefor.

1 **Sec. 7136.** RCW 48.31.350 and 1947 c 79 s .31.35 are each amended
2 to read as follows:

3 The commissioner shall cause a notice of such assessment order
4 setting forth a brief summary of the contents of such order to be:

5 (1) Published in such manner as shall be directed by the court; and

6 (2) Enclosed in a sealed envelope, addressed and mailed postage
7 prepaid to each member or subscriber liable thereunder at his or her
8 last known address as it appears on the records of the insurer, at
9 least twenty days before the return day of the order to show cause
10 provided for in RCW 48.31.340.

11 **Sec. 7137.** RCW 48.31.360 and 1947 c 79 s .31.36 are each amended
12 to read as follows:

13 (1) On the return day of the order to show cause provided for in
14 RCW 48.31.340 if the member or subscriber does not appear and serve
15 verified objections upon the commissioner, the court shall make an
16 order adjudging that such member or subscriber is liable for the amount
17 of the assessment against him or her together with ten dollars costs,
18 and that the commissioner may have judgment against the member or
19 subscriber therefor.

20 (2) If on such return day the member or subscriber shall appear and
21 serve verified objections upon the commissioner there shall be a full
22 hearing before the court or a referee to hear and determine, who, after
23 such hearing, shall make an order either negating the liability of
24 the member or subscriber to pay the assessment or affirming his or her
25 liability to pay the whole or some part thereof together with twenty-
26 five dollars costs and the necessary disbursements incurred at such
27 hearing, and directing that the commissioner in the latter case may
28 have judgment therefor.

29 (3) A judgment upon any such order shall have the same force and
30 effect, and may be entered and docketed, and may be appealed from as if
31 it were a judgment in an original action brought in the court in which
32 the proceeding is pending.

33 **Sec. 7138.** RCW 48.32.080 and 1975-'76 2nd ex.s. c 109 s 7 are each
34 amended to read as follows:

35 (1) The commissioner shall:

1 (a) Notify the association promptly whenever he or she or any of
2 his or her examiners has, or comes into, possession of any data or
3 information relative to any insurer under his or her jurisdiction for
4 any purpose indicating that such insurer is in or is approaching a
5 condition of impaired assets, imminent insolvency, or insolvency.

6 (b) Furnish to the association copies of all preliminary and final
7 audits, investigations, memorandums, opinions, and reports relative to
8 any insurer under his or her jurisdiction for any purpose, promptly
9 upon the preparation of any thereof.

10 (c) Notify the association of the existence of an insolvent insurer
11 not later than three days after he receives notice of the determination
12 of the insolvency. The association shall be entitled to a copy of any
13 complaint seeking an order of liquidation with a finding of insolvency
14 against a member insurer at the same time such complaint is filed with
15 a court of competent jurisdiction.

16 (d) Upon request of the board of directors, provide the association
17 with a statement of the net direct written premiums of each member
18 insurer.

19 (2) The commissioner may:

20 (a) Require that the association notify the insureds of the
21 insolvent insurer and any other interested parties of the determination
22 of insolvency and of their rights under this chapter. Such
23 notification shall be by mail at their last known address, where
24 available, but if sufficient information for notification by mail is
25 not available, notice by publication or in a newspaper of general
26 circulation shall be sufficient.

27 (b) Suspend or revoke, after notice and hearing, the certificate of
28 authority to transact insurance in this state of any member insurer
29 which fails to pay an assessment when due or fails to comply with the
30 plan of operation. As an alternative, the commissioner may levy a fine
31 on any member insurer which fails to pay an assessment when due. Such
32 fine shall not exceed five percent of the unpaid assessment per month,
33 except that no fine shall be less than one hundred dollars per month.

34 (c) Revoke the designation of any servicing facility if he or she
35 finds claims are being handled unsatisfactorily.

36 (3) Whenever the commissioner or any of his or her examiners comes
37 into possession of or obtains any data or information indicating that
38 any insurer under his or her jurisdiction for any purpose is in or is

1 approaching a condition of impaired assets, imminent insolvency, or
2 insolvency, he or she shall within fifteen days of having such data or
3 information commence investigation and/or take formal action relative
4 to any such insurer, and in addition within said time shall notify the
5 association of such condition. Upon failure of the commissioner so to
6 act, the association is hereby authorized and directed to act and
7 commence appropriate investigation or proceedings or may at its option
8 refer the matter to the attorney general for appropriate action
9 relative to which the attorney general shall keep the association
10 advised throughout any such action or proceedings.

11 (4) Any final action or order of the commissioner under this
12 chapter shall be subject to judicial review in a court of competent
13 jurisdiction.

14 **Sec. 7139.** RCW 48.32.090 and 1971 ex.s. c 265 s 9 are each amended
15 to read as follows:

16 (1) Any person recovering under this chapter shall be deemed to
17 have assigned his or her rights under the policy to the association to
18 the extent of his or her recovery from the association. Every insured
19 or claimant seeking the protection of this chapter shall cooperate with
20 the association to the same extent as such person would have been
21 required to cooperate with the insolvent insurer. The association
22 shall have no cause of action against the insured of the insolvent
23 insurer for any sums it has paid out.

24 (2) The receiver, liquidator, or statutory successor of an
25 insolvent insurer shall be bound by settlements of covered claims by
26 the association or a similar organization in another state. The court
27 having jurisdiction shall grant such claims priority equal to that
28 which the claimant would have been entitled in the absence of this
29 chapter against the assets of the insolvent insurer. The expenses of
30 the association or similar organization in handling claims shall be
31 accorded the same priority as the liquidator's expenses.

32 (3) The association shall periodically file with the receiver or
33 liquidator of the insolvent insurer statements of the covered claims
34 paid by the association and estimates of anticipated claims on the
35 association which shall preserve the right of the association against
36 the assets of the insolvent insurer.

1 **Sec. 7140.** RCW 48.32.110 and 1971 ex.s. c 265 s 11 are each
2 amended to read as follows:

3 To aid in the detection and prevention of insurer insolvencies:

4 (1) It shall be the duty of the board of directors, upon majority
5 vote, to notify the commissioner of any information indicating any
6 member insurer may be insolvent or in a financial condition hazardous
7 to the policyholders or the public.

8 (2) The board of directors may, upon majority vote, request that
9 the commissioner order an examination of any member insurer which the
10 board in good faith believes may be in a financial condition hazardous
11 to the policyholders or the public. Within thirty days of the receipt
12 of such request, the commissioner shall begin such examination. The
13 examination may be conducted as a National Association of Insurance
14 Commissioners examination or may be conducted by such persons as the
15 commissioner designates. The cost of such examination shall be paid by
16 the association and the examination report shall be treated as are
17 other examination reports. In no event shall such examination report
18 be released to the board of directors prior to its release to the
19 public, but this shall not preclude the commissioner from complying
20 with subsection (3) of this section. The commissioner shall notify the
21 board of directors when the examination is completed. The request for
22 an examination shall be kept on file by the commissioner but it shall
23 not be open to public inspection prior to the release of the
24 examination report to the public.

25 (3) It shall be the duty of the commissioner to report to the board
26 of directors when he or she has reasonable cause to believe that any
27 member insurer examined or being examined at the request of the board
28 of directors may be insolvent or in a financial condition hazardous to
29 the policyholders or the public.

30 (4) The board of directors may, upon majority vote, make reports
31 and recommendations to the commissioner upon any matter germane to the
32 solvency, liquidation, rehabilitation or conservation of any member
33 insurer. Such reports and recommendations shall not be considered
34 public documents.

35 (5) The board of directors may, upon majority vote, make
36 recommendations to the commissioner for the detection and prevention of
37 insurer insolvencies.

1 (6) The board of directors shall, at the conclusion of any insurer
2 insolvency in which the association was obligated to pay covered
3 claims, prepare a report on the history and causes of such insolvency,
4 based on the information available to the association, and submit such
5 report to the commissioner.

6 **Sec. 7141.** RCW 48.32.150 and 1971 ex.s. c 265 s 15 are each
7 amended to read as follows:

8 There shall be no liability on the part of and no cause of action
9 of any nature shall arise against any member insurer, the association
10 or its agents or employees, the board of directors, or the commissioner
11 or his or her representatives for any action taken by them in the
12 performance of their powers and duties under this chapter.

13 **Sec. 7142.** RCW 48.32.170 and 1971 ex.s. c 265 s 17 are each
14 amended to read as follows:

15 (1) The commissioner shall by order terminate the operation of the
16 Washington insurers insolvency pool as to any kind of insurance
17 afforded by property or casualty insurance policies with respect to
18 which he or she has found, after hearing, that there is in effect a
19 statutory or voluntary plan which:

20 (a) Is a permanent plan which is adequately funded or for which
21 adequate funding is provided; and

22 (b) Extends, or will extend to state policyholders and residents
23 protection and benefits with respect to insolvent insurers not
24 substantially less favorable and effective to such policyholders and
25 residents than the protection and benefits provided with respect to
26 such kind of insurance under this chapter.

27 (2) The commissioner shall by the same such order authorize
28 discontinuance of future payments by insurers to the Washington
29 insurers insolvency pool with respect to the same kinds of insurance:
30 PROVIDED, That assessments and payments shall continue, as necessary,
31 to liquidate covered claims of insurers adjudged insolvent prior to
32 said order and the related expenses not covered by such other plan.

33 (3) In the event the operation of any account of the Washington
34 insurers insolvency pool shall be so terminated as to all kinds of
35 insurance otherwise within its scope, the pool as soon as possible
36 thereafter shall distribute the balance of the moneys and assets

1 remaining in said account (after discharge of the functions of the pool
2 with respect to prior insurer insolvencies not covered by such other
3 plan, together with related expenses) to the insurers which are then
4 writing in this state policies of the kinds of insurance covered by
5 such account, and which had made payments into such account, pro rata
6 upon the basis of the aggregate of such payments made by the respective
7 insurers to such account during the period of five years next preceding
8 the date of such order. Upon completion of such distribution with
9 respect to all of the accounts specified in RCW 48.32.060, this chapter
10 shall be deemed to have expired.

11 **Sec. 7143.** RCW 48.34.100 and 1969 ex.s. c 241 s 15 are each
12 amended to read as follows:

13 (1) All policies, certificates of insurance, notices of proposed
14 insurance, applications for insurance, endorsements, and riders
15 delivered or issued for delivery in this state and the schedules of
16 premium rates pertaining thereto shall be filed with the commissioner.

17 (2) No such policies, certificates of insurance, notices of
18 proposed insurance, applications for insurance, endorsements, or riders
19 shall be used in this state until approved by the commissioner pursuant
20 to RCW 48.18.100 and RCW 48.18.110. In addition to any grounds for
21 disapproval provided therein, the form shall be disapproved both as to
22 credit life and credit accident and health insurance if the benefits
23 provided therein are not reasonable in relation to the premium charged.

24 (3) If a group policy of credit life insurance or credit accident
25 and health insurance has been delivered in this state before midnight,
26 June 7, 1961, on the first anniversary date following such time the
27 terms of the policy as they apply to persons newly insured thereafter
28 shall be rewritten to conform with the provisions of this chapter.

29 (4) If a group policy has been or is delivered in another state
30 before or after August 11, 1969, the forms to be filed by the insurer
31 with the commissioner are the group certificates and notices of
32 proposed insurance delivered or issued for delivery in this state. He
33 or she shall approve them if:

34 (a) They provide the information that would be required if the
35 group policy was delivered in this state; and

36 (b) The applicable premium rates or charges do not exceed those
37 established by his rules or regulations.

1 **Sec. 7144.** RCW 48.34.120 and 1961 c 219 s 12 are each amended to
2 read as follows:

3 When the credit life insurance or credit accident and health
4 insurance is required in connection with any credit transaction, the
5 debtor shall, upon request to the creditor, have the option of
6 furnishing the required amount of insurance through existing policies
7 of insurance owned or controlled by him or her or of procuring and
8 furnishing the required coverage through any insurer authorized to
9 transact an insurance business within this state.

10 **Sec. 7145.** RCW 48.44.040 and 1947 c 268 s 4 are each amended to
11 read as follows:

12 Every health care service contractor who or which enters into
13 agreements which require prepayment for health care services shall
14 register with the insurance commissioner on forms to be prescribed and
15 provided by him or her. Such registrants shall state their name,
16 address, type of organization, area of operation, type or types of
17 health care services provided, and such other information as may
18 reasonably be required by the insurance commissioner and shall file
19 with such registration a copy of all contracts being offered and a
20 schedule of all rates charged. No registrant shall change any rates,
21 modify any contract, or offer any new contract, until he or she has
22 filed a copy of the changed rate schedule, modified contract, or new
23 contract with the insurance commissioner. The insurance commissioner
24 shall charge a fee of ten dollars for the filing of each original
25 registration statement and may require each registrant to file a
26 current reregistration statement annually thereafter.

27 **Sec. 7146.** RCW 48.44.090 and 1961 c 197 s 6 are each amended to
28 read as follows:

29 The insurance commissioner shall refuse to accept the registration
30 of any corporation, cooperative group, or association seeking to act as
31 a health care service contractor if, in his or her discretion, the
32 insurance commissioner deems that the name of the corporation,
33 cooperative group, or association would be confused with the name of an
34 existing registered health care service contractor or authorized
35 insurance company.

1 **Sec. 7147.** RCW 48.44.145 and 1986 c 296 s 8 are each amended to
2 read as follows:

3 (1) The commissioner may make an examination of the operations of
4 any health care service contractor as often as he or she deems
5 necessary in order to carry out the purposes of this chapter.

6 (2) Every health care service contractor shall submit its books and
7 records relating to its operation for financial condition and market
8 conduct examinations and in every way facilitate them. For the purpose
9 of examinations, the commissioner may issue subpoenas, administer
10 oaths, and examine the officers and principals of the health care
11 service contractor.

12 (3) The commissioner may elect to accept and rely on audit reports
13 made by an independent certified public accountant for the health care
14 service contractor in the course of that part of the commissioner's
15 examination covering the same general subject matter as the audit. The
16 commissioner may incorporate the audit report in his or her report of
17 the examination.

18 (4) Whenever any health care service contractor applies for initial
19 admission, the commissioner may make, or cause to be made, an
20 examination of the applicant's business and affairs. Whenever such an
21 examination is made, all of the provisions of chapter 48.03 RCW not
22 inconsistent with this chapter shall be applicable. In lieu of making
23 an examination himself or herself the commissioner may, in the case of
24 a foreign health care service contractor, accept an examination report
25 of the applicant by the regulatory official in its state of domicile.

26 **Sec. 7148.** RCW 48.44.160 and 1988 c 248 s 19 are each amended to
27 read as follows:

28 The insurance commissioner may, subject to a hearing if one is
29 demanded pursuant to chapters 48.04 and 34.05 RCW, revoke, suspend, or
30 refuse to accept or renew registration from any health care service
31 contractor, or he or she may issue a cease and desist order, or bring
32 an action in any court of competent jurisdiction to enjoin a health
33 care service contractor from doing further business in this state, if
34 such health care service contractor:

35 (1) Fails to comply with any provision of chapter 48.44 RCW or any
36 proper order or regulation of the commissioner.

1 (2) Is found by the commissioner to be in such financial condition
2 that its further transaction of business in this state would jeopardize
3 the payment of claims and refunds to subscribers.

4 (3) Has refused to remove or discharge a director or officer who
5 has been convicted of any crime involving fraud, dishonesty, or like
6 moral turpitude, after written request by the commissioner for such
7 removal, and expiration of a reasonable time therefor as specified in
8 such request.

9 (4) Usually compels claimants under contracts either to accept less
10 than the amount due them or to bring suit against it to secure full
11 payment of the amount due.

12 (5) Is affiliated with and under the same general management, or
13 interlocking directorate, or ownership as another health care
14 contractor which operates in this state without having registered
15 therefor, except as is permitted by this chapter.

16 (6) Refuses to be examined, or if its directors, officers,
17 employees or representatives refuse to submit to examination or to
18 produce its accounts, records, and files for examination by the
19 commissioner when required, or refuse to perform any legal obligation
20 relative to the examination.

21 (7) Fails to pay any final judgment rendered against it in this
22 state upon any contract, bond, recognizance, or undertaking issued or
23 guaranteed by it, within thirty days after the judgment became final or
24 within thirty days after time for taking an appeal has expired, or
25 within thirty days after dismissal of an appeal before final
26 determination, whichever date is the later.

27 (8) Is found by the commissioner, after investigation or upon
28 receipt of reliable information, to be managed by persons, whether by
29 its directors, officers, or by any other means, who are incompetent or
30 untrustworthy or so lacking in health care contracting or related
31 managerial experience as to make the operation hazardous to the
32 subscribing public; or that there is good reason to believe it is
33 affiliated directly or indirectly through ownership, control, or other
34 business relations, with any person or persons whose business
35 operations are or have been marked, to the detriment of policyholders
36 or stockholders, or investors or creditors or subscribers or of the
37 public, by bad faith or by manipulation of assets, or of accounts, or
38 of reinsurance.

1 **Sec. 7149.** RCW 48.44.170 and 1961 c 197 s 14 are each amended to
2 read as follows:

3 For the purposes of this chapter, the insurance commissioner shall
4 be subject to and may avail himself or herself of the provisions of
5 chapter 48.04 RCW, which relate to hearings and appeals.

6 **Sec. 7150.** RCW 48.46.040 and 1990 c 119 s 3 are each amended to
7 read as follows:

8 The commissioner shall issue a certificate of registration to the
9 applicant within sixty days of such filing unless he or she notifies
10 the applicant within such time that such application is not complete
11 and the reasons therefor; or that he or she is not satisfied that:

12 (1) The basic organizational document of the applicant permits the
13 applicant to conduct business as a health maintenance organization;

14 (2) The organization has demonstrated the intent and ability to
15 assure that comprehensive health care services will be provided in a
16 manner to assure both their availability and accessibility;

17 (3) The organization is financially responsible and may be
18 reasonably expected to meet its obligations to its enrolled
19 participants. In making this determination, the commissioner shall
20 consider among other relevant factors:

21 (a) Any agreements with an insurer, a medical or hospital service
22 bureau, a government agency or any other organization paying or
23 insuring payment for health care services;

24 (b) Any agreements with providers for the provision of health care
25 services;

26 (c) Any arrangements for liability and malpractice insurance
27 coverage; and

28 (d) Adequate procedures to be implemented to meet the protection
29 against insolvency requirements in RCW 48.46.245.

30 (4) The procedures for offering health care services and offering
31 or terminating contracts with enrolled participants are reasonable and
32 equitable in comparison with prevailing health insurance subscription
33 practices and health maintenance organization enrollment procedures;
34 and, that

35 (5) Procedures have been established to:

36 (a) Monitor the quality of care provided by such organization,
37 including, as a minimum, procedures for internal peer review;

1 (b) Resolve complaints and grievances initiated by enrolled
2 participants in accordance with RCW 48.46.010 and 48.46.100;

3 (c) Offer enrolled participants an opportunity to participate in
4 matters of policy and operation in accordance with RCW 48.46.020(7) and
5 48.46.070.

6 No person to whom a certificate of registration has not been
7 issued, except a health maintenance organization certified by the
8 secretary of the department of health and human services, pursuant to
9 Public Law 93-222 or its successor, shall use the words "health
10 maintenance organization" or the initials "HMO" in its name, contracts,
11 or literature. Persons who are contracting with, operating in
12 association with, recruiting enrolled participants for, or otherwise
13 authorized by a health maintenance organization possessing a
14 certificate of registration to act on its behalf may use the terms
15 "health maintenance organization" or "HMO" for the limited purpose of
16 denoting or explaining their relationship to such health maintenance
17 organization.

18 The department of health, at the request of the insurance
19 commissioner, shall inspect and review the facilities of every
20 applicant health maintenance organization to determine that such
21 facilities are reasonably adequate to provide the health care services
22 offered in their contracts. If the commissioner has information to
23 indicate that such facilities fail to continue to be adequate to
24 provide the health care services offered, the department of health,
25 upon request of the insurance commissioner, shall reinspect and review
26 the facilities and report to the insurance commissioner as to their
27 adequacy or inadequacy.

28 **Sec. 7151.** RCW 48.46.110 and 1983 c 202 s 11 are each amended to
29 read as follows:

30 (1) No health maintenance organization may refer to itself in its
31 name or advertising with any of the words: "insurance", "casualty",
32 "surety", "mutual", or any other words descriptive of the insurance,
33 casualty, or surety business, or deceptively similar to the name or
34 description of any insurance or surety corporation or health care
35 service contractor or other health maintenance organization doing
36 business in this state.

1 (2) No health maintenance organization, nor any health care
2 facility or provider with which such organization has contracted to
3 provide health care services, shall discriminate against any person
4 from whom or on whose behalf, payment to meet the required charge is
5 available, with regard to enrollment, disenrollment, or the provision
6 of health care services, on the basis of such person's race, color,
7 sex, religion, place of residence if there is reasonable access to the
8 facility of the health maintenance organization, socioeconomic status,
9 or status as a recipient of medicare under Title XVIII of the Social
10 Security Act, 42 U.S.C. section 1396, et seq.

11 (3) Where a health maintenance organization determines that an
12 enrolled participant has received health care services to which such
13 enrolled participant is not entitled under the terms of his or her
14 health maintenance agreement, neither such organization, nor any health
15 care facility or provider with which such organization has contracted
16 to provide health care services, shall have recourse against such
17 enrolled participant for any amount above the actual cost of providing
18 such service, if any, specified in such agreement, unless the enrolled
19 participant or a member of his or her family has given or withheld
20 information to the health maintenance organization, the effect of which
21 is to mislead or misinform the health maintenance organization as to
22 the enrolled participant's right to receive such services.

23 **Sec. 7152.** RCW 48.46.120 and 2007 c 468 s 2 are each amended to
24 read as follows:

25 (1) The commissioner may make an examination of the operations of
26 any health maintenance organization as often as he or she deems
27 necessary in order to carry out the purposes of this chapter.

28 (2) Every health maintenance organization shall submit its books
29 and records relating its operation for financial condition and market
30 conduct examinations and in every way facilitate them. The quality or
31 appropriateness of medical services or systems shall not be examined
32 except to the extent that such items are incidental to an examination
33 of the financial condition or the market conduct of a health
34 maintenance organization. For the purpose of examinations, the
35 commissioner may issue subpoenas, administer oaths, and examine the
36 officers and principals of the health maintenance organization and the
37 principals of such providers concerning their business.

1 (3) The commissioner may elect to accept and rely on audit reports
2 made by an independent certified public accountant for the health
3 maintenance organization in the course of that part of the
4 commissioner's examination covering the same general subject matter as
5 the audit. The commissioner may incorporate the audit report in his or
6 her report of the examination.

7 **Sec. 7153.** RCW 48.46.200 and 1975 1st ex.s. c 290 s 21 are each
8 amended to read as follows:

9 The commissioner may, in accordance with the provisions of the
10 administrative procedure act, chapter 34.05 RCW, promulgate rules and
11 regulations as necessary or proper to carry out the provisions of this
12 chapter. Nothing in this chapter shall be construed to prohibit the
13 commissioner from requiring changes in procedures previously approved
14 by him or her.

15 **Sec. 7154.** RCW 48.46.240 and 1990 c 119 s 6 are each amended to
16 read as follows:

17 (1) Each health maintenance organization obtaining a certificate of
18 registration from the commissioner shall provide and maintain a funded
19 reserve of one hundred fifty thousand dollars. The funded reserve
20 shall be deposited with the commissioner or with any
21 organization/trustee acceptable to him or her in the form of cash,
22 securities eligible for investment by the health maintenance
23 organization pursuant to chapter 48.13 RCW, approved surety bond or any
24 combination of these, and must equal or exceed one hundred fifty
25 thousand dollars. The funded reserve shall be established as an
26 assurance that the uncovered expenditure obligations of the health
27 maintenance organization to the enrolled participants will be
28 performed.

29 (2) All income from reserves on deposit with the commissioner shall
30 belong to the depositing health maintenance organization and shall be
31 paid to it as it becomes available.

32 (3) Any funded reserve required by this section shall be considered
33 an asset of the health maintenance organization in determining the
34 organization's net worth.

35 (4) A health maintenance organization that has made a securities
36 deposit with the commissioner may, at its option, withdraw the

1 securities deposit or any part of the deposit after first having
2 deposited or provided in lieu thereof an approved surety bond, a
3 deposit of cash or securities, or any combination of these or other
4 deposits of equal amount and value to that withdrawn. Any securities
5 and surety bond shall be subject to approval by the commissioner before
6 being substituted.

7 **Sec. 7155.** RCW 48.56.040 and 1969 ex.s. c 190 s 4 are each amended
8 to read as follows:

9 (1) Upon the filing of an application and the payment of the
10 license fee the commissioner shall make an investigation of each
11 applicant and shall issue a license if the applicant is qualified in
12 accordance with this chapter. If the commissioner does not so find, he
13 or she shall, within thirty days after he or she has received such
14 application, at the request of the applicant, give the applicant a full
15 hearing.

16 (2) The commissioner shall issue or renew a license as may be
17 applied for when he or she is satisfied that the person to be
18 licensed--

19 (a) is competent and trustworthy and intends to act in good faith
20 in the capacity involved by the license applied for,

21 (b) has a good business reputation and has had experience,
22 training, or education so as to be qualified in the business for which
23 the license is applied for, and

24 (c) if a corporation, is a corporation incorporated under the laws
25 of the state or a foreign corporation authorized to transact business
26 in the state.

27 **Sec. 7156.** RCW 48.56.050 and 1969 ex.s. c 190 s 5 are each amended
28 to read as follows:

29 (1) The commissioner may revoke or suspend the license of any
30 premium finance company when and if after investigation it appears to
31 the commissioner that--

32 (a) any license issued to such company was obtained by fraud,

33 (b) there was any misrepresentation in the application for the
34 license,

35 (c) the holder of such license has otherwise shown himself or

1 herself untrustworthy or incompetent to act as a premium finance
2 company, or

3 (d) such company has violated any of the provisions of this
4 chapter.

5 (2) Before the commissioner shall revoke, suspend, or refuse to
6 renew the license of any premium finance company, he or she shall give
7 to such person an opportunity to be fully heard and to introduce
8 evidence in his or her behalf. In lieu of revoking or suspending the
9 license for any of the causes enumerated in this section, after hearing
10 as herein provided, the commissioner may subject such company to a
11 penalty of not more than two hundred dollars for each offense when in
12 his or her judgment he or she finds that the public interest would not
13 be harmed by the continued operation of such company. The amount of
14 any such penalty shall be paid by such company through the office of
15 the commissioner to the state treasurer. At any hearing provided by
16 this section, the commissioner shall have authority to administer oaths
17 to witnesses. Anyone testifying falsely, after having been
18 administered such oath, shall be subject to the penalty of perjury.

19 (3) If the commissioner refuses to issue or renew any license or if
20 any applicant or licensee is aggrieved by any action of the
21 commissioner, said applicant or licensee shall have the right to a
22 hearing and court proceeding as provided by statute.

23 **Sec. 7157.** RCW 48.56.060 and 1969 ex.s. c 190 s 6 are each amended
24 to read as follows:

25 (1) Every licensee shall maintain records of its premium finance
26 transactions and the said records shall be open to examination and
27 investigation by the commissioner. The commissioner may at any time
28 require any licensee to bring such records as he or she may direct to
29 the commissioner's office for examination.

30 (2) Every licensee shall preserve its records of such premium
31 finance transactions, including cards used in a card system, for at
32 least three years after making the final entry in respect to any
33 premium finance agreement. The preservation of records in photographic
34 form shall constitute compliance with this requirement.

35 **Sec. 7158.** RCW 48.56.110 and 1969 ex.s. c 190 s 11 are each
36 amended to read as follows:

1 (1) When a premium finance agreement contains a power of attorney
2 enabling the premium finance company to cancel any insurance contract
3 or contracts listed in the agreement, the insurance contract or
4 contracts shall not be canceled by the premium finance company unless
5 such cancellation is effectuated in accordance with this section.

6 (2) Not less than ten days' written notice shall be mailed to the
7 insured of the intent of the premium finance company to cancel the
8 insurance contract unless the default is cured within such ten day
9 period.

10 (3) After expiration of such ten day period, the premium finance
11 company may thereafter request in the name of the insured, cancellation
12 of such insurance contract or contracts by mailing to the insurer a
13 notice of cancellation, and the insurance contract shall be canceled as
14 if such notice of cancellation had been submitted by the insured
15 himself or herself, but without requiring the return of the insurance
16 contract or contracts. The premium finance company shall also mail a
17 notice of cancellation to the insured at his last known address.

18 (4) All statutory, regulatory, and contractual restrictions
19 providing that the insurance contract may not be canceled unless notice
20 is given to a governmental agency, mortgagee, or other third party
21 shall apply where cancellation is effected under the provisions of this
22 section. The insurer shall give the prescribed notice in behalf of
23 itself or the insured to any governmental agency, mortgagee, or other
24 third party on or before the second business day after the day it
25 receives the notice of cancellation from the premium finance company
26 and shall determine the effective date of cancellation taking into
27 consideration the number of days notice required to complete the
28 cancellation.

29 **Sec. 7159.** RCW 48.99.020 and 1947 c 79 s .31.12 are each amended
30 to read as follows:

31 (1) Whenever under the laws of this state a receiver is to be
32 appointed in delinquency proceedings for an insurer domiciled in this
33 state, the court shall appoint the commissioner as such receiver. The
34 court shall direct the commissioner forthwith to take possession of the
35 assets of the insurer and to administer the same under the orders of
36 the court.

1 (2) As domiciliary receiver the commissioner shall be vested by
2 operation of law with the title to all of the property, contracts, and
3 rights of action, and all of the books and records of the insurer
4 wherever located, as of the date of entry of the order directing him or
5 her to rehabilitate or liquidate a domestic insurer, or to liquidate
6 the United States branch of an alien insurer domiciled in this state,
7 and he or she shall have the right to recover the same and reduce the
8 same to possession; except that ancillary receivers in reciprocal
9 states shall have, as to assets located in their respective states, the
10 rights and powers which are hereinafter prescribed for ancillary
11 receivers appointed in this state as to assets located in this state.

12 (3) The filing or recording of the order directing possession to be
13 taken, or a certified copy thereof, in the office where instruments
14 affecting title to property are required to be filed or recorded shall
15 impart the same notice as would be imparted by a deed, bill of sale, or
16 other evidence of title duly filed or recorded.

17 (4) The commissioner as domiciliary receiver shall be responsible
18 on his or her official bond for the proper administration of all assets
19 coming into his or her possession or control. The court may at any
20 time require an additional bond from ((him)) the commissioner or his or
21 her deputies if deemed desirable for the protection of the assets.

22 (5) Upon taking possession of the assets of an insurer the
23 domiciliary receiver shall, subject to the direction of the court,
24 immediately proceed to conduct the business of the insurer or to take
25 such steps as are authorized by the laws of this state for the purpose
26 of liquidating, rehabilitating, reorganizing, or conserving the affairs
27 of the insurer.

28 (6) In connection with delinquency proceedings the commissioner may
29 appoint one or more special deputy commissioners to act for him or her,
30 and may employ such counsel, clerks, and assistants as he or she deems
31 necessary. The compensation of the special deputies, counsel, clerks,
32 or assistants and all expenses of taking possession of the insurer and
33 of conducting the proceedings shall be fixed by the receiver, subject
34 to the approval of the court, and shall be paid out of the funds or
35 assets of the insurer. Within the limits of the duties imposed upon
36 them special deputies shall possess all the powers given to, and, in
37 the exercise of those powers, shall be subject to all of the duties
38 imposed upon the receiver with respect to such proceedings.

1 **Sec. 7160.** RCW 48.99.050 and 1947 c 79 s .31.15 are each amended
2 to read as follows:

3 (1) In a delinquency proceeding in a reciprocal state against an
4 insurer domiciled in that state, claimants against such insurer, who
5 reside within this state may file claims either with the ancillary
6 receiver, if any, appointed in this state, or with the domiciliary
7 receiver. All such claims must be filed on or before the last date
8 fixed for the filing of claims in the domiciliary delinquency
9 proceeding.

10 (2) Controverted claims belonging to claimants residing in this
11 state may either (a) be proved in the domiciliary state as provided by
12 the law of that state, or (b), if ancillary proceedings have been
13 commenced in this state, be proved in those proceedings. In the event
14 that any such claimant elects to prove his or her claim in this state,
15 he or she shall file his or her claim with the ancillary receiver in
16 the manner provided by the law of this state for the proving of claims
17 against insurers domiciled in this state, and he or she shall give
18 notice in writing to the receiver in the domiciliary state, either by
19 registered mail or by personal service at least forty days prior to the
20 date set for hearing. The notice shall contain a concise statement of
21 the amount of the claim, the facts on which the claim is based, and the
22 priorities asserted, if any. If the domiciliary receiver, within
23 thirty days after the giving of such notice, shall give notice in
24 writing to the ancillary receiver and to the claimant, either by
25 registered mail or by personal service, of his or her intention to
26 contest such claim, he or she shall be entitled to appear or to be
27 represented in any proceeding in this state involving the adjudication
28 of the claim. The final allowance of the claim by the courts of this
29 state shall be accepted as conclusive as to its amount, and shall also
30 be accepted as conclusive as to its priority, if any, against special
31 deposits or other security located within this state.

32 **Sec. 7161.** RCW 48.99.060 and 1993 c 462 s 79 are each amended to
33 read as follows:

34 (1) In a delinquency proceeding against an insurer domiciled in
35 this state, claims owing to residents of ancillary states shall be
36 preferred claims if like claims are preferred under the laws of this

1 state. All such claims whether owing to residents or nonresidents
2 shall be given equal priority of payment from general assets regardless
3 of where such assets are located.

4 (2) In a delinquency proceeding against an insurer domiciled in a
5 reciprocal state, claims owing to residents of this state shall be
6 preferred if like claims are preferred by the laws of that state.

7 (3) The owners of special deposit claims against an insurer for
8 which a receiver is appointed in this or any other state shall be given
9 priority against their several special deposits in accordance with the
10 provisions of the statutes governing the creation and maintenance of
11 such deposits. If there is a deficiency in any such deposit so that
12 the claims secured thereby are not fully discharged therefrom, the
13 claimants may share in the general assets, but such sharing shall be
14 deferred until general creditors, and also claimants against other
15 special deposits who have received smaller percentages from their
16 respective special deposits, have been paid percentages of their claims
17 equal to the percentage paid from the special deposit.

18 (4) The owner of a secured claim against an insurer for which a
19 receiver has been appointed in this or any other state may surrender
20 his or her security and file his or her claim as a general creditor, or
21 the claim may be discharged by resort to the security, in which case
22 the deficiency, if any, shall be treated as a claim against the general
23 assets of the insurer on the same basis as claims of unsecured
24 creditors. If the amount of the deficiency has been adjudicated in
25 ancillary proceedings as provided in this chapter, or if it has been
26 adjudicated by a court of competent jurisdiction in proceedings in
27 which the domiciliary receiver has had notice and opportunity to be
28 heard, such amount shall be conclusive; otherwise the amount shall be
29 determined in the delinquency proceeding in the domiciliary state.

30 **PART VIII**

31 NEW SECTION. **Sec. 8001.** The following acts or parts of acts are
32 each repealed:

33 (1) RCW 35.18.005 (Definition--"Councilman.") and 1981 c 213 s 1;
34 and

35 (2) RCW 35A.01.080 ("Councilman" defined) and 1981 c 213 s 2.

1 NEW SECTION. **Sec. 8002.** Part headings used in this act are not
2 any part of the law.

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