

---

ENGROSSED SUBSTITUTE HOUSE BILL 1275

---

State of Washington

52nd Legislature

1991 Regular Session

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

Read first time March 6, 1991.

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

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

8 **Sec. 1.** RCW 35.02.020 and 1986 c 234 s 3 are each amended to read  
9 as follows:

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

1       **Sec. 2.** RCW 35.02.090 and 1986 c 234 s 12 are each amended to read  
2 as follows:

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

11       **Sec. 3.** RCW 35.06.020 and 1965 c 7 s 35.06.020 are each amended to  
12 read as follows:

13       When a petition is filed signed by (~~electors~~) registered voters  
14 of a city or town, in number equal to not less than one-fifth of the  
15 votes cast at the last general municipal election, seeking  
16 reorganization thereof as a city of a higher class than that indicated  
17 by the last preceding federal or state census, the city or town council  
18 to which the petition is presented shall forthwith cause a census to be  
19 taken by one or more suitable persons of all the inhabitants of such  
20 town or city in which census the full name of each person shall be  
21 plainly written, and the names alphabetically arranged and regularly  
22 numbered in complete series. The census shall be verified before an  
23 officer authorized to administer oaths and filed with the city or town  
24 clerk.

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

28       If the census shows such city or town not qualified for the class  
29 named in the petition, no further proceedings shall be had: PROVIDED,

1 That the city or town may be reorganized as a city or town of the class  
2 indicated by the census, upon a proper petition filed within six months  
3 from the filing of such census with the clerk, without other or further  
4 census.

5 **Sec. 4.** RCW 35.06.030 and 1965 c 7 s 35.06.030 are each amended to  
6 read as follows:

7 If the census prescribed in RCW 35.06.020 shows that the city or  
8 town belongs to the class named in the petition, the city or town  
9 council shall cause notice to be given as in other cases, that at the  
10 ~~((the))~~ next general election of the city or town, or at a special  
11 election to be called for that purpose, the ~~((electors))~~ voters may  
12 vote for or against the advancement, their ballots to contain the words  
13 "for advancement" and the words "against advancement."

14 **Sec. 5.** RCW 35.06.050 and 1965 c 7 s 35.06.050 are each amended to  
15 read as follows:

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

23 **Sec. 6.** RCW 35.24.020 and 1987 c 3 s 9 are each amended to read as  
24 follows:

25 The government of a third class city shall be vested in a mayor, a  
26 city council of seven members, a city attorney, a clerk, a treasurer,  
27 all elective; and a chief of police, municipal judge, city engineer,

1 street superintendent, health officer and such other appointive  
2 officers as may be provided for by statute or ordinance: PROVIDED,  
3 That the council may enact an ordinance providing for the appointment  
4 of the city clerk, city attorney, and treasurer by the mayor, which  
5 appointment shall be subject to confirmation by a majority vote of the  
6 city council. Such ordinance shall be enacted and become effective not  
7 later than thirty days prior to the first day allowed for filing  
8 declarations of candidacy for such offices when such offices are  
9 subject to an approaching city primary election. Elective incumbent  
10 city clerks, city attorneys, and city treasurers shall serve for the  
11 remainder of their unexpired term notwithstanding any appointment made  
12 pursuant to RCW 35.24.020 and 35.24.050. If a free public library and  
13 reading room is established, five library trustees shall be appointed.  
14 The city council by ordinance shall prescribe the duties and fix the  
15 compensation of all officers and employees: PROVIDED, That the  
16 provisions of any such ordinance shall not be inconsistent with any  
17 statute: PROVIDED FURTHER, That where the city council finds that the  
18 appointment of a full time city engineer is unnecessary, it may in lieu  
19 of such appointment, by resolution provide for the performance of  
20 necessary engineering services on either a part time, temporary or  
21 periodic basis by a qualified engineering firm, pursuant to any  
22 reasonable contract.

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

1       **Sec. 7.** RCW 35.24.180 and 1965 c 7 s 35.24.180 are each amended to  
2 read as follows:

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

8       Special meetings may be called by the mayor by written notice  
9 (~~delivered to each member of the council at least three hours before~~  
10 ~~the time specified for the proposed meeting~~) as provided in RCW  
11 42.30.080. No ordinances shall be passed or contract let or entered  
12 into, or bill for the payment of money allowed at any special meeting.

13       All meetings of the city council shall be held within the corporate  
14 limits of the city at such place as may be designated by ordinance.  
15 All meetings of the city council must be public.

16       **Sec. 8.** RCW 35.24.190 and 1969 c 101 s 3 are each amended to read  
17 as follows:

18       The members of the city council at their first meeting after each  
19 general municipal election and thereafter whenever a vacancy occurs,  
20 shall elect from among their number a mayor pro tempore, who shall hold  
21 office at the pleasure of the council and in case of the absence of the  
22 mayor, perform the duties of mayor except that he or she shall not have  
23 the power to appoint or remove any officer or to veto any ordinance.  
24 If a vacancy occurs in the office of mayor, the city council at their  
25 next regular meeting shall elect from among their number a mayor, who  
26 shall serve until a mayor is elected and certified at the next  
27 municipal election.

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

4       The mayor and the mayor pro tempore shall have power to administer  
5 oaths and affirmations, take affidavits and certify them. The mayor or  
6 the mayor pro tempore when acting as mayor, shall sign all conveyances  
7 made by the city and all instruments which require the seal of the  
8 city.

9       **Sec. 9.** RCW 35.27.010 and 1965 c 7 s 35.27.010 are each amended to  
10 read as follows:

11       Every municipal corporation of the fourth class shall be entitled  
12 the "Town of ....." (naming it), and by such name shall have  
13 perpetual succession, may sue, and be sued in all courts and places,  
14 and in all proceedings whatever; shall have and use a common seal,  
15 alterable at the pleasure of the town authorities, and may purchase,  
16 lease, receive, hold, and enjoy real and personal property and control  
17 (~~and~~), lease, sublease, convey, or otherwise dispose of the same for  
18 the common benefit.

19       **Sec. 10.** RCW 35.27.070 and 1987 c 3 s 12 are each amended to read  
20 as follows:

21       The government of a town shall be vested in a mayor and a council  
22 consisting of five members and a treasurer, all elective; the mayor  
23 shall appoint a clerk and a marshal; and may appoint a town attorney,  
24 pound master, street superintendent, a civil engineer, and such police  
25 and other subordinate officers and employees as may be provided for by  
26 ordinance. All appointive officers and employees shall hold office at  
27 the pleasure of the mayor and shall not be subject to confirmation by  
28 the town council.

1       **Sec. 11.** RCW 35.27.130 and 1990 c 212 s 2 are each amended to read  
2 as follows:

3       The mayor and members of the town council may be reimbursed for  
4 actual expenses incurred in the discharge of their official duties upon  
5 presentation of a claim therefor and its allowance and approval by  
6 resolution of the town council. The mayor and members of the council  
7 may also receive such salary as the council may fix by ordinance.

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

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

12       Any town that provides a pension for any of its employees under a  
13 plan not administered by the state must notify the state auditor of the  
14 existence of the plan at the time of an audit of the town by the  
15 auditor. No town may establish a pension plan for its employees that  
16 is not administered by the state, except that any defined contribution  
17 plan in existence as of January 1, 1990, is deemed to have been  
18 authorized. No town that provides a defined contribution plan for its  
19 employees as authorized by this section may make any material changes  
20 in the terms or conditions of the plan after June 7, 1990.

21       **Sec. 12.** RCW 35.27.270 and 1965 c 7 s 35.27.270 are each amended  
22 to read as follows:

23       The town council shall meet on the second Tuesday in January  
24 succeeding the date of the general municipal election, shall take the  
25 oath of office, and shall hold regular meetings at least once each  
26 month at such times as may be fixed by ordinance. Special meetings may  
27 be called at any time by the mayor or by three ~~((councilmen))~~  
28 councilmembers, by written notice ~~((delivered to each member at least~~  
29 ~~three hours before the time specified for the proposed meeting))~~ as

1 provided in RCW 42.30.080. No resolution or order for the payment of  
2 money shall be passed at any other than a regular meeting. No such  
3 resolution or order shall be valid unless passed by the votes of at  
4 least three ((~~councilmen~~)) councilmembers.

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

8 **Sec. 13.** RCW 35.27.280 and 1965 c 107 s 2 are each amended to read  
9 as follows:

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

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

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

27 NEW SECTION. **Sec. 14.** A new section is added to chapter 35.21 RCW  
28 to read as follows:

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

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

10 (3) The clerk of every city and town is directed to provide to the  
11 municipal research council or its designee, promptly after adoption, a  
12 copy of each of its regulatory ordinances and such other ordinances or  
13 kinds of ordinances as may be described in a list or lists promulgated  
14 by the municipal research council or its designee from time to time,  
15 and may provide such copies without charge. The municipal research  
16 council may provide that information to the entity with which it  
17 contracts for the provision of municipal research and services, in  
18 order to provide a pool of information for all cities and towns in the  
19 state of Washington.

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

21 **Sec. 15.** RCW 35A.39.010 and 1967 ex.s. c 119 s 35A.39.010 are each  
22 amended to read as follows:

23 Every code city shall keep a journal of minutes of its legislative  
24 meetings with orders, resolutions and ordinances passed, and records of  
25 the proceedings of any city department, division or commission  
26 performing quasi judicial functions as required by ordinances of the  
27 city and general laws of the state and shall keep such records open to  
28 the public as required by RCW 42.32.030 and shall keep and preserve all  
29 public records and publications or reproduce and destroy the same as

1 provided by Title 40 RCW. Each code city (~~shall provide three copies~~  
2 ~~of each of its ordinances of general application to the association of~~  
3 ~~Washington cities without charge and~~) may duplicate and sell copies of  
4 its ordinances at fees reasonably calculated to defray the cost of such  
5 duplication and handling.

6 **Sec. 16.** RCW 41.08.040 and 1973 1st ex.s. c 154 s 60 are each  
7 amended to read as follows:

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

12 They shall appoint a secretary and chief examiner, who shall keep  
13 the records of the commission, preserve all reports made to it,  
14 superintend and keep a record of all examinations held under its  
15 direction, and perform such other duties as the commission may  
16 prescribe.

17 The secretary and chief examiner shall be appointed as a result of  
18 competitive examination which examination may be either original and  
19 open to all properly qualified citizens of the city, town or  
20 municipality, or promotional and limited to persons already in the  
21 service of the fire department or of the fire department and other  
22 departments of said city, town or municipality, as the commission may  
23 decide. The secretary and chief examiner may be subject to suspension,  
24 reduction or discharge in the same manner and subject to the same  
25 limitations as are provided in the case of members of the fire  
26 department. It shall be the duty of the civil service commission:

27 (1) To make suitable rules and regulations not inconsistent with  
28 the provisions of this chapter. Such rules and regulations shall  
29 provide in detail the manner in which examinations may be held, and

1 appointments, promotions, transfers, reinstatements, demotions,  
2 suspensions and discharges shall be made, and may also provide for any  
3 other matters connected with the general subject of personnel  
4 administration, and which may be considered desirable to further carry  
5 out the general purposes of this chapter, or which may be found to be  
6 in the interest of good personnel administration. Such rules and  
7 regulations may be changed from time to time. The rules and  
8 regulations and any amendments thereof shall be printed, mimeographed  
9 or multigraphed for free public distribution. Such rules and  
10 regulations may be changed from time to time.

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

15 (3) The rules and regulations adopted by the commission shall  
16 provide for a credit (~~(of ten percent)~~) in accordance with RCW  
17 41.04.010 in favor of all applicants for appointment under civil  
18 service, who, in time of war, or in any expedition of the armed forces  
19 of the United States, have served in and been honorably discharged from  
20 the armed forces of the United States, including the army, navy, and  
21 marine corps and the American Red Cross. These credits apply to  
22 entrance examinations only.

23 (4) The commission shall make investigations concerning and report  
24 upon all matters touching the enforcement and effect of the provisions  
25 of this chapter, and the rules and regulations prescribed hereunder;  
26 inspect all institutions, departments, offices, places, positions and  
27 employments affected by this chapter, and ascertain whether this  
28 chapter and all such rules and regulations are being obeyed. Such  
29 investigations may be made by the commission or by any commissioner  
30 designated by the commission for that purpose. Not only must these

1 investigations be made by the commission as aforesaid, but the  
2 commission must make like investigation on petition of a citizen, duly  
3 verified, stating that irregularities or abuses exist, or setting forth  
4 in concise language, in writing, the necessity for such investigation.  
5 In the course of such investigation the commission or designated  
6 commissioner, or chief examiner, shall have the power to administer  
7 oaths, subpoena and require the attendance of witnesses and the  
8 production by them of books, papers, documents and accounts  
9 appertaining to the investigation and also to cause the deposition of  
10 witnesses residing within or without the state to be taken in the  
11 manner prescribed by law for like depositions in civil actions in the  
12 superior court; and the oaths administered hereunder and the subpoenas  
13 issued hereunder shall have the same force and effect as the oaths  
14 administered by a superior court judge in his or her judicial capacity;  
15 and the failure upon the part of any person so subpoenaed to comply  
16 with the provisions of this section shall be deemed a violation of this  
17 chapter, and punishable as such.

18 (5) All hearings and investigations before the commission, or  
19 designated commissioner, or chief examiner, shall be governed by this  
20 chapter and by rules of practice and procedure to be adopted by the  
21 commission, and in the conduct thereof neither the commission, nor  
22 designated commissioner shall be bound by the technical rules of  
23 evidence. No informality in any proceedings or hearing, or in the  
24 manner of taking testimony before the commission or designated  
25 commissioner, shall invalidate any order, decision, rule or regulation  
26 made, approved or confirmed by the commission: PROVIDED, HOWEVER, That  
27 no order, decision, rule or regulation made by any designated  
28 commissioner conducting any hearing or investigation alone shall be of  
29 any force or effect whatsoever unless and until concurred in by at  
30 least one of the other two members.

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

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

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

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

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

24 **Sec. 17.** RCW 41.12.040 and 1937 c 13 s 5 are each amended to read  
25 as follows:

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

1       They shall appoint a secretary and chief examiner, who shall keep  
2 the records for the commission, preserve all reports made to it,  
3 superintend and keep a record of all examinations held under its  
4 direction, and perform such other duties as the commission may  
5 prescribe.

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

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

29       (2) All tests shall be practical, and shall consist only of  
30 subjects which will fairly determine the capacity of persons examined

1 to perform duties of the position to which appointment is to be made,  
2 and may include tests of physical fitness and/or of manual skill;

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

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

1 issued hereunder shall have the same force and effect as the oaths  
2 administered by a superior court judge in his or her judicial capacity;  
3 and the failure upon the part of any person so subpoenaed to comply  
4 with the provisions of this section shall be deemed a violation of this  
5 chapter, and punishable as such;

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

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

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

25 (8) Provide for, formulate and hold competitive tests to determine  
26 the relative qualifications of persons who seek employment in any class  
27 or position and as a result thereof establish eligible lists for the  
28 various classes of positions, and to provide that (~~men~~) persons laid  
29 off because of curtailment of expenditures, reduction in force, and for

1 like causes, head the list in the order of their seniority, to the end  
2 that they shall be the first to be reemployed;

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

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

13 **Sec. 18.** RCW 42.17.310 and 1991 c 301 s 13, 1991 c 87 s 13, and  
14 1991 c 23 s 10 are each reenacted and amended to read as follows:

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

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

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

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

27 (d) Specific intelligence information and specific investigative  
28 records compiled by investigative, law enforcement, and penology  
29 agencies, and state agencies vested with the responsibility to

1 discipline members of any profession, the nondisclosure of which is  
2 essential to effective law enforcement or for the protection of any  
3 person's right to privacy.

4 (e) Information revealing the identity of persons who file  
5 complaints with investigative, law enforcement, or penology agencies,  
6 other than the public disclosure commission, if disclosure would  
7 endanger any person's life, physical safety, or property. If at the  
8 time the complaint is filed the complainant indicates a desire for  
9 disclosure or nondisclosure, such desire shall govern. However, all  
10 complaints filed with the public disclosure commission about any  
11 elected official or candidate for public office must be made in writing  
12 and signed by the complainant under oath.

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

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

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

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

29 (j) Records which are relevant to a controversy to which an agency  
30 is a party but which records would not be available to another party

1 under the rules of pretrial discovery for causes pending in the  
2 superior courts.

3 (k) Records, maps, or other information identifying the location of  
4 archaeological sites in order to avoid the looting or depredation of  
5 such sites.

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

9 (m) Financial information supplied by or on behalf of a person,  
10 firm, or corporation for the purpose of qualifying to submit a bid or  
11 proposal for (a) a ferry system construction or repair contract as  
12 required by RCW 47.60.680 through 47.60.750 or (b) highway construction  
13 or improvement as required by RCW 47.28.070.

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

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

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

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

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

29 (s) Membership lists or lists of members or owners of interests of  
30 units in timeshare projects, subdivisions, camping resorts,

1 condominiums, land developments, or common-interest communities  
2 affiliated with such projects, regulated by the department of  
3 licensing, in the files or possession of the department.

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

7 (u) The residential addresses and residential telephone numbers of  
8 employees or volunteers of a public agency which are held by the agency  
9 in personnel records, employment or volunteer rosters, or mailing lists  
10 of employees or volunteers.

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

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

16 (x) Information obtained by the board of pharmacy or the department  
17 of health and its representatives as provided in RCW 69.41.044,  
18 69.41.280, and 18.64.420.

19 (y) Financial information, business plans, examination reports, and  
20 any information produced or obtained in evaluating or examining a  
21 business and industrial development corporation organized or seeking  
22 certification under chapter 31.24 RCW.

23 (z) Financial and commercial information supplied to the state  
24 investment board by any person when the information relates to the  
25 investment of public trust or retirement funds and when disclosure  
26 would result in loss to such funds or in private loss to the providers  
27 of this information.

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

1 (bb) Client records maintained by an agency that is a domestic  
2 violence program as defined in RCW 70.123.020 or a rape crisis center  
3 as defined in RCW 70.125.030.

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

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

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

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

25 **Sec. 19.** RCW 54.08.010 and 1985 c 469 s 55 are each amended to  
26 read as follows:

27 At any general election held in an even-numbered year, the county  
28 legislative authority of any county in this state may, or, on petition  
29 of ten percent of the (~~qualified electors~~) registered voters of the

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

1 holding elections. In submitting the question to the voters for their  
2 approval or rejection, the proposition shall be expressed on the ballot  
3 substantially in the following terms:

4 Public Utility District No. .... YES ( )

5 Public Utility District No. .... NO ( )

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

1 in this chapter for the formation of a public utility district  
2 including an entire county, except that the petition and election shall  
3 be confined solely to the lesser public utility district.

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

8 **Sec. 20.** RCW 54.08.070 and 1979 ex.s. c 240 s 2 are each amended  
9 to read as follows:

10 Any district which does not own or operate electric facilities for  
11 the generation, transmission or distribution of electric power on March  
12 25, 1969, or any district which hereafter does not construct or acquire  
13 such electric facilities within ten years of its creation, shall not  
14 construct or acquire any such electric facilities without the approval  
15 of such proposal by the voters of such district: PROVIDED, That a  
16 district shall have the power to construct or acquire electric  
17 facilities within ten years following its creation by action of its  
18 commission without voter approval of such action.

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

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

23 The proposal submitted to the voters for their approval or  
24 rejection, shall be expressed on the ballot substantially in the  
25 following terms:

26 Shall Public Utility District No. ..... of ..... County  
27 construct or acquire electric facilities for the generation,  
28 transmission or distribution of electric power?

29 Yes ( )

1

No

( )

2        Within ten days after such election, the election board of the  
 3 county shall canvass the returns, and if at such election a majority of  
 4 the voters voting on such proposition shall vote in favor of such  
 5 construction or acquisition of electric facilities, the district shall  
 6 be authorized to construct or acquire electric facilities.

7        **Sec. 21.** RCW 54.08.080 and 1969 c 106 s 4 are each amended to read  
 8 as follows:

9        Any district now or hereafter created under the laws of this state  
 10 may be dissolved, as hereinafter provided, by a majority vote of the  
 11 (~~qualified electors~~) registered voters of (~~such~~) the district at  
 12 any general election upon a resolution of the district commission, or  
 13 upon petition being filed and such proposition for dissolution  
 14 submitted to (~~said electors~~) the voters in the same manner provided  
 15 by chapter 54.08 RCW for the creation of public utility districts. The  
 16 returns of the election on such proposition for dissolution shall be  
 17 canvassed and the results declared in the same manner as is provided by  
 18 RCW 54.08.010:     PROVIDED, HOWEVER, That any such proposition to  
 19 dissolve a district shall not be submitted to the (~~electors~~) voters  
 20 if within five years prior to the filing of such petition or resolution  
 21 such district has undertaken any material studies or material action  
 22 relating to the construction or acquisition of any utility properties  
 23 or if such district at the time of the submission of such proposition  
 24 is actually engaged in the operation of any utility properties.

25        If a majority of the (~~votes cast~~) registered voters voting on the  
 26 dissolution at the election favor dissolution, the commission of the  
 27 district shall petition, without any filing fee, the superior court of  
 28 the county in which such district is located for an order authorizing

1 the payment of all indebtedness of the district and directing the  
2 transfer of any surplus funds or property to the general fund of the  
3 county in which such district is organized.