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HOUSE BILL 1015

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Padden, Dellwo, Costa, Appelwick and Silver; by request of Statute Law Committee

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1 AN ACT Relating to correcting double amendments from the 1994  
2 legislative sessions; reenacting RCW 13.40.020, 30.04.215, 30.08.020,  
3 30.08.040, 30.08.095, 30.08.190, 32.32.025, 35.23.051, 35.23.101,  
4 35.23.850, 35A.06.020, 36.21.011, 41.32.500, 84.40.080, and 84.48.050;  
5 and repealing RCW 35.23.310.

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

7 **Sec. 1.** RCW 13.40.020 and 1994 1st sp.s. c 7 s 520, 1994 c 271 s  
8 803, and 1994 c 261 s 18 are each reenacted to read as follows:

9 For the purposes of this chapter:

10 (1) "Serious offender" means a person fifteen years of age or older  
11 who has committed an offense which if committed by an adult would be:

12 (a) A class A felony, or an attempt to commit a class A felony;

13 (b) Manslaughter in the first degree; or

14 (c) Assault in the second degree, extortion in the first degree,  
15 child molestation in the second degree, kidnapping in the second  
16 degree, robbery in the second degree, residential burglary, or burglary  
17 in the second degree, where such offenses include the infliction of  
18 bodily harm upon another or where during the commission of or immediate

1 withdrawal from such an offense the perpetrator is armed with a deadly  
2 weapon;

3 (2) "Community service" means compulsory service, without  
4 compensation, performed for the benefit of the community by the  
5 offender as punishment for committing an offense. Community service  
6 may be performed through public or private organizations or through  
7 work crews;

8 (3) "Community supervision" means an order of disposition by the  
9 court of an adjudicated youth not committed to the department or an  
10 order granting a deferred adjudication pursuant to RCW 13.40.125. A  
11 community supervision order for a single offense may be for a period of  
12 up to two years for a sex offense as defined by RCW 9.94A.030 and up to  
13 one year for other offenses. As a mandatory condition of any term of  
14 community supervision, the court shall order the juvenile to refrain  
15 from committing new offenses. As a mandatory condition of community  
16 supervision, the court shall order the juvenile to comply with the  
17 mandatory school attendance provisions of chapter 28A.225 RCW and to  
18 inform the school of the existence of this requirement. Community  
19 supervision is an individualized program comprised of one or more of  
20 the following:

21 (a) Community-based sanctions;

22 (b) Community-based rehabilitation;

23 (c) Monitoring and reporting requirements;

24 (4) Community-based sanctions may include one or more of the  
25 following:

26 (a) A fine, not to exceed one hundred dollars;

27 (b) Community service not to exceed one hundred fifty hours of  
28 service;

29 (5) "Community-based rehabilitation" means one or more of the  
30 following: Attendance of information classes; counseling, outpatient  
31 substance abuse treatment programs, outpatient mental health programs,  
32 anger management classes, education or outpatient treatment programs to  
33 prevent animal cruelty, or other services; or attendance at school or  
34 other educational programs appropriate for the juvenile as determined  
35 by the school district. Placement in community-based rehabilitation  
36 programs is subject to available funds;

37 (6) "Monitoring and reporting requirements" means one or more of  
38 the following: Curfews; requirements to remain at home, school, work,  
39 or court-ordered treatment programs during specified hours;

1 restrictions from leaving or entering specified geographical areas;  
2 requirements to report to the probation officer as directed and to  
3 remain under the probation officer's supervision; and other conditions  
4 or limitations as the court may require which may not include  
5 confinement;

6 (7) "Confinement" means physical custody by the department of  
7 social and health services in a facility operated by or pursuant to a  
8 contract with the state, or physical custody in a detention facility  
9 operated by or pursuant to a contract with any county. The county may  
10 operate or contract with vendors to operate county detention  
11 facilities. The department may operate or contract to operate  
12 detention facilities for juveniles committed to the department.  
13 Pretrial confinement or confinement of less than thirty-one days  
14 imposed as part of a disposition or modification order may be served  
15 consecutively or intermittently, in the discretion of the court;

16 (8) "Court", when used without further qualification, means the  
17 juvenile court judge(s) or commissioner(s);

18 (9) "Criminal history" includes all criminal complaints against the  
19 respondent for which, prior to the commission of a current offense:

20 (a) The allegations were found correct by a court. If a respondent  
21 is convicted of two or more charges arising out of the same course of  
22 conduct, only the highest charge from among these shall count as an  
23 offense for the purposes of this chapter; or

24 (b) The criminal complaint was diverted by a prosecutor pursuant to  
25 the provisions of this chapter on agreement of the respondent and after  
26 an advisement to the respondent that the criminal complaint would be  
27 considered as part of the respondent's criminal history. A  
28 successfully completed deferred adjudication shall not be considered  
29 part of the respondent's criminal history;

30 (10) "Department" means the department of social and health  
31 services;

32 (11) "Detention facility" means a county facility, paid for by the  
33 county, for the physical confinement of a juvenile alleged to have  
34 committed an offense or an adjudicated offender subject to a  
35 disposition or modification order. "Detention facility" includes  
36 county group homes, inpatient substance abuse programs, juvenile basic  
37 training camps, and electronic monitoring;

38 (12) "Diversion unit" means any probation counselor who enters into  
39 a diversion agreement with an alleged youthful offender, or any other

1 person, community accountability board, or other entity except a law  
2 enforcement official or entity, with whom the juvenile court  
3 administrator has contracted to arrange and supervise such agreements  
4 pursuant to RCW 13.40.080, or any person, community accountability  
5 board, or other entity specially funded by the legislature to arrange  
6 and supervise diversion agreements in accordance with the requirements  
7 of this chapter. For purposes of this subsection, "community  
8 accountability board" means a board comprised of members of the local  
9 community in which the juvenile offender resides. The superior court  
10 shall appoint the members. The boards shall consist of at least three  
11 and not more than seven members. If possible, the board should include  
12 a variety of representatives from the community, such as a law  
13 enforcement officer, teacher or school administrator, high school  
14 student, parent, and business owner, and should represent the cultural  
15 diversity of the local community;

16 (13) "Institution" means a juvenile facility established pursuant  
17 to chapters 72.05 and 72.16 through 72.20 RCW;

18 (14) "Juvenile," "youth," and "child" mean any individual who is  
19 under the chronological age of eighteen years and who has not been  
20 previously transferred to adult court pursuant to RCW 13.40.110 or who  
21 is otherwise under adult court jurisdiction;

22 (15) "Juvenile offender" means any juvenile who has been found by  
23 the juvenile court to have committed an offense, including a person  
24 eighteen years of age or older over whom jurisdiction has been extended  
25 under RCW 13.40.300;

26 (16) "Manifest injustice" means a disposition that would either  
27 impose an excessive penalty on the juvenile or would impose a serious,  
28 and clear danger to society in light of the purposes of this chapter;

29 (17) "Middle offender" means a person who has committed an offense  
30 and who is neither a minor or first offender nor a serious offender;

31 (18) "Minor or first offender" means a person whose current  
32 offense(s) and criminal history fall entirely within one of the  
33 following categories:

34 (a) Four misdemeanors;

35 (b) Two misdemeanors and one gross misdemeanor;

36 (c) One misdemeanor and two gross misdemeanors; and

37 (d) Three gross misdemeanors.

38 For purposes of this definition, current violations shall be  
39 counted as misdemeanors;

1 (19) "Offense" means an act designated a violation or a crime if  
2 committed by an adult under the law of this state, under any ordinance  
3 of any city or county of this state, under any federal law, or under  
4 the law of another state if the act occurred in that state;

5 (20) "Respondent" means a juvenile who is alleged or proven to have  
6 committed an offense;

7 (21) "Restitution" means financial reimbursement by the offender to  
8 the victim, and shall be limited to easily ascertainable damages for  
9 injury to or loss of property, actual expenses incurred for medical  
10 treatment for physical injury to persons, lost wages resulting from  
11 physical injury, and costs of the victim's counseling reasonably  
12 related to the offense if the offense is a sex offense. Restitution  
13 shall not include reimbursement for damages for mental anguish, pain  
14 and suffering, or other intangible losses. Nothing in this chapter  
15 shall limit or replace civil remedies or defenses available to the  
16 victim or offender;

17 (22) "Secretary" means the secretary of the department of social  
18 and health services. "Assistant secretary" means the assistant  
19 secretary for juvenile rehabilitation for the department;

20 (23) "Services" mean services which provide alternatives to  
21 incarceration for those juveniles who have pleaded or been adjudicated  
22 guilty of an offense or have signed a diversion agreement pursuant to  
23 this chapter;

24 (24) "Sex offense" means an offense defined as a sex offense in RCW  
25 9.94A.030;

26 (25) "Sexual motivation" means that one of the purposes for which  
27 the respondent committed the offense was for the purpose of his or her  
28 sexual gratification;

29 (26) "Foster care" means temporary physical care in a foster family  
30 home or group care facility as defined in RCW 74.15.020 and licensed by  
31 the department, or other legally authorized care;

32 (27) "Violation" means an act or omission, which if committed by an  
33 adult, must be proven beyond a reasonable doubt, and is punishable by  
34 sanctions which do not include incarceration;

35 (28) "Violent offense" means a violent offense as defined in RCW  
36 9.94A.030.

37 EXPLANATORY NOTE

38 RCW 13.40.020 was amended three times by the 1994 legislature.  
39 Chapter 261 s 18 expanded "community-based rehabilitation" to  
40 include education or outpatient treatment programs to prevent

1 animal cruelty; chapter 271 s 803 excluded felony stalking  
2 from the class C felony offenses included in the "minor or  
3 first offender" definition; and chapter 7 1st sp.s. s 520,  
4 among other changes, deleted all class C felony offenses from  
5 the "minor or first offender" definition. The purpose of this  
6 bill is to give effect to all amendments by reenacting the  
7 section including all amendments.

8 **Sec. 2.** RCW 30.04.215 and 1994 c 256 s 37 and 1994 c 92 s 20 are  
9 each reenacted to read as follows:

10 (1) Notwithstanding any other provisions of law, in addition to all  
11 powers enumerated by this title, and those necessarily implied  
12 therefrom, a bank may engage in other business activities that have  
13 been determined by the board of governors of the federal reserve system  
14 or by the United States Congress to be closely related to the business  
15 of banking, as of December 31, 1993.

16 (2) A bank that desires to perform an activity that is not  
17 expressly authorized by subsection (1) of this section shall first  
18 apply to the director for authorization to conduct such activity.  
19 Within thirty days of the receipt of this application, the director  
20 shall determine whether the activity is closely related to the business  
21 of banking, whether the public convenience and advantage will be  
22 promoted, whether the activity is apt to create an unsafe or unsound  
23 practice by the bank and whether the applicant is capable of performing  
24 such an activity. If the director finds the activity to be closely  
25 related to the business of banking and the bank is otherwise qualified,  
26 he or she shall forthwith inform the applicant that the activity is  
27 authorized. If the director determines that such activity is not  
28 closely related to the business of banking or the bank is not otherwise  
29 qualified, he or she shall forthwith inform the applicant in writing.  
30 The applicant shall have the right to appeal from an unfavorable  
31 determination in accordance with the procedures of the Administrative  
32 Procedure Act, chapter 34.05 RCW. In determining whether a particular  
33 activity is closely related to the business of banking, the director  
34 shall be guided by the rulings of the board of governors of the federal  
35 reserve system and the comptroller of the currency in making  
36 determinations in connection with the powers exercisable by bank  
37 holding companies, and the activities performed by other commercial  
38 banks or their holding companies.

39 (3) In addition to all powers enumerated by this title, and those  
40 necessarily implied therefrom, a bank may engage in other business

1 activities that are determined by the director, by rule adopted  
2 pursuant to chapter 34.05 RCW, to be closely related to the business of  
3 banking, or necessary or convenient thereto, and the exercise thereof  
4 will promote the public convenience and advantage. Provided, however,  
5 that such other business activities shall also have been determined by  
6 the board of governors of the federal reserve system or by the United  
7 States congress to be closely related to the business of banking.

8 (4) Any activity which may be performed by a bank, except the  
9 taking of deposits, may be performed by (a) a corporation or (b)  
10 another entity approved by the director, which in either case is owned  
11 in whole or in part by the bank.

12 EXPLANATORY NOTE

13 RCW 30.04.215 was amended twice by the 1994 legislature.  
14 Chapter 92 s 20 made technical corrections, and chapter 256 s  
15 37 made technical corrections and revised regulation of  
16 financial institutions and securities. The purpose of this  
17 bill is to give effect to both amendments by reenacting the  
18 section including both amendments.

19 **Sec. 3.** RCW 30.08.020 and 1994 c 256 s 42 and 1994 c 92 s 43 are  
20 each reenacted to read as follows:

21 Persons desiring to incorporate a bank or trust company shall file  
22 with the director a notice of their intention to organize a bank or  
23 trust company in such form and containing such information as the  
24 director shall prescribe by rule, together with proposed articles of  
25 incorporation, which shall be submitted for examination to the director  
26 at his or her office in Olympia.

27 The proposed articles of incorporation shall state:

28 (1) The name of such bank or trust company.

29 (2) The city, village or locality and county where the head office  
30 of such corporation is to be located.

31 (3) The nature of its business, whether that of a commercial bank,  
32 or a trust company.

33 (4) The amount of its capital stock, which shall be divided into  
34 shares of a par or no par value as may be provided in the articles of  
35 incorporation.

36 (5) The names and places of residence and mailing addresses of the  
37 persons who as directors are to manage the corporation until the first  
38 annual meeting of its stockholders.

39 (6) If there is to be preferred or special classes of stock, a  
40 statement of preferences, voting rights, if any, limitations and

1 relative rights in respect of the shares of each class; or a statement  
2 that the shares of each class shall have the attributes as shall be  
3 determined by the bank's board of directors from time to time with the  
4 approval of the director.

5 (7) Any provision granting the shareholders the preemptive right to  
6 acquire additional shares of the bank and any provision granting  
7 shareholders the right to cumulate their votes.

8 (8) Any provision, not inconsistent with law, which the  
9 incorporators elect to set forth in the articles of incorporation for  
10 the regulation of the affairs of the corporation, including any  
11 provision restricting the transfer of shares, any provision which under  
12 this title is required or permitted to be set forth in the bylaws, and  
13 any provision permitted by RCW 23B.17.030.

14 (9) Any provision the incorporators elect to so set forth, not  
15 inconsistent with law or the purposes for which the bank is organized,  
16 or any provision limiting any of the powers granted in this title.

17 It shall not be necessary to set forth in the articles of  
18 incorporation any of the corporate powers granted in this title. The  
19 articles of incorporation shall be signed by all of the incorporators.

20 EXPLANATORY NOTE

21 RCW 30.08.020 was amended twice by the 1994 legislature.  
22 Chapter 92 s 43 made technical corrections, and chapter 256 s  
23 42 made technical corrections and revised regulation of  
24 financial institutions and securities. The purpose of this  
25 bill is to give effect to both amendments by reenacting the  
26 section including both amendments.

27 **Sec. 4.** RCW 30.08.040 and 1994 c 256 s 43 and 1994 c 92 s 45 are  
28 each reenacted to read as follows:

29 After the director is satisfied of the above facts, and, within six  
30 months of the date the notice of intention to organize has been  
31 received in his or her office, the director shall notify the  
32 incorporators to file executed articles of incorporation with the  
33 director in triplicate. Unless the director otherwise consents in  
34 writing, such articles shall be in the same form and shall contain the  
35 same information as the proposed articles and shall be filed with the  
36 director within ten days of such notice. Within thirty days after the  
37 receipt of such articles of incorporation, the director shall endorse  
38 upon each of the triplicates thereof, over his or her official  
39 signature, the word "approved," or the word "refused," with the date of  
40 such endorsement. In case of refusal the director shall forthwith



1 return one of the triplicates, so endorsed, together with a statement  
2 explaining the reason for refusal to the person from whom the articles  
3 were received, which refusal shall be conclusive, unless the  
4 incorporators, within ten days of the issuance of such notice of  
5 refusal, shall request a hearing pursuant to the Administrative  
6 Procedure Act, chapter 34.05 RCW, as now or hereafter amended.

7 EXPLANATORY NOTE

8 RCW 30.08.040 was amended twice by the 1994 legislature.  
9 Chapter 92 s 45 made technical corrections, and chapter 256 s  
10 43 made technical corrections and revised regulation of  
11 financial institutions and securities. The purpose of this  
12 bill is to give effect to both amendments by reenacting the  
13 section including both amendments.

14 **Sec. 5.** RCW 30.08.095 and 1994 c 256 s 49 and 1994 c 92 s 56 are  
15 each reenacted to read as follows:

16 The director shall collect fees for the following services:

17 For filing application for certificate of authority and attendant  
18 investigation as outlined in the law;

19 For filing application for certificate conferring trust powers upon  
20 a state or national bank;

21 For filing articles of incorporation, or amendments thereof, or  
22 other certificates required to be filed in his or her office;

23 For filing merger agreement and attendant investigation;

24 For filing application to relocate main office or branch and  
25 attendant investigation;

26 For issuing each certificate of authority;

27 For furnishing copies of papers filed in his or her office, per  
28 page.

29 The director shall establish the amount of the fee for each of the  
30 above transactions, and for other services rendered.

31 Every bank or trust company shall also pay to the secretary of  
32 state for filing any instrument with him or her the same fees as are  
33 required of general corporations for filing corresponding instruments,  
34 and also the same license fees as are required of general corporations.

35 EXPLANATORY NOTE

36 RCW 30.08.095 was amended twice by the 1994 legislature.  
37 Chapter 92 s 56 made technical corrections, and chapter 256 s  
38 49 made technical corrections and revised regulation of  
39 financial institutions and securities. The purpose of this  
40 bill is to give effect to both amendments by reenacting the  
41 section including both amendments.



1 substantial beneficial interest or as to which the person serves as  
2 trustee or in a similar fiduciary capacity, and (c) any relative who  
3 would be a "class A beneficiary" if the person were a decedent.

4 (5) The term "broker" means any person engaged in the business of  
5 effecting transactions in securities for the account of others.

6 (6) The term "capital stock" includes permanent stock, guaranty  
7 stock, permanent reserve stock, any similar certificate evidencing  
8 nonwithdrawable capital, or preferred stock, of a savings bank  
9 converted under this chapter or of a subsidiary institution or holding  
10 company.

11 (7) The term "charter" includes articles of incorporation, articles  
12 of reincorporation, and certificates of incorporation, as amended,  
13 effecting (either with or without filing with any governmental agency)  
14 the organization or creation of an incorporated person.

15 (8) Except as provided in RCW 32.32.230, the term "control"  
16 (including the terms "controlling", "controlled by", and "under common  
17 control with") means the possession, direct or indirect, of the power  
18 to direct or cause the direction of the management and policies of a  
19 person, whether through the ownership of voting securities, by  
20 contract, or otherwise.

21 (9) The term "dealer" means any person who engages either for all  
22 or part of his or her time, directly or indirectly, as agent, broker,  
23 or principal, in the business of offering, buying, selling, or  
24 otherwise dealing or trading in securities issued by another person.

25 (10) The term "deposits" refers to the deposits of a savings bank  
26 that is converting under this chapter, and may refer in addition to the  
27 deposits or share accounts of any other financial institution that is  
28 converting to the stock form in connection with a merger with and into  
29 a savings bank.

30 (11) The term "director" means any director of a corporation, any  
31 trustee of a mutual savings bank, or any person performing similar  
32 functions with respect to any organization whether incorporated or  
33 unincorporated.

34 (12) The term "eligibility record date" means the record date for  
35 determining eligible account holders of a converting mutual savings  
36 bank.

37 (13) The term "eligible account holder" means any person holding a  
38 qualifying deposit as determined in accordance with RCW 32.32.180.

39 (14) The term "employee" does not include a director or officer.

1 (15) The term "equity security" means any stock or similar  
2 security; or any security convertible, with or without consideration,  
3 into such a security, or carrying any warrant or right to subscribe to  
4 or purchase such a security; or any such warrant or right.

5 (16) The term "market maker" means a dealer who, with respect to a  
6 particular security, (a) regularly publishes bona fide, competitive bid  
7 and offer quotations in a recognized interdealer quotation system; or  
8 (b) furnishes bona fide competitive bid and offer quotations on  
9 request; and (c) is ready, willing, and able to effect transaction in  
10 reasonable quantities at his or her quoted prices with other brokers or  
11 dealers.

12 (17) The term "material", when used to qualify a requirement for  
13 the furnishing of information as to any subject, limits the information  
14 required to those matters as to which an average prudent investor ought  
15 reasonably to be informed before purchasing an equity security of the  
16 applicant.

17 (18) The term "mutual savings bank" means a mutual savings bank  
18 organized and operating under Title 32 RCW.

19 (19) Except as provided in RCW 32.32.435, the term "offer", "offer  
20 to sell", or "offer of sale" shall include every attempt or offer to  
21 dispose of, or solicitation of an offer to buy, a security or interest  
22 in a security, for value. These terms shall not include preliminary  
23 negotiations or agreements between an applicant and any underwriter or  
24 among underwriters who are or are to be in privity of contract with an  
25 applicant.

26 (20) The term "officer", for purposes of the purchase of stock in  
27 a conversion under this chapter or the sale of this stock, means the  
28 chairman of the board, president, vice president, secretary, treasurer  
29 or principal financial officer, comptroller or principal accounting  
30 officer, and any other person performing similar functions with respect  
31 to any organization whether incorporated or unincorporated.

32 (21) Except as provided in RCW 32.32.435, the term "person" means  
33 an individual, a corporation, a partnership, an association, a joint-  
34 stock company, a trust, any unincorporated organization, or a  
35 government or political subdivision thereof.

36 (22) The term "proxy" includes every form of authorization by which  
37 a person is or may be deemed to be designated to act for a stockholder  
38 in the exercise of his or her voting rights in the affairs of an

1 institution. Such an authorization may take the form of failure to  
2 dissent or object.

3 (23) The terms "purchase" and "buy" include every contract to  
4 purchase, buy, or otherwise acquire a security or interest in a  
5 security for value.

6 (24) The terms "sale" and "sell" include every contract to sell or  
7 otherwise dispose of a security or interest in a security for value;  
8 but these terms do not include an exchange of securities in connection  
9 with a merger or acquisition approved by the director.

10 (25) The term "savings account" means deposits established in a  
11 mutual savings bank and includes certificates of deposit.

12 (26) Except as provided in RCW 32.32.435, the term "security"  
13 includes any note, stock, treasury stock, bond, debenture, transferable  
14 share, investment contract, voting-trust certificate, or in general,  
15 any instrument commonly known as a "security"; or any certificate of  
16 interest or participation in, temporary or interim certificate for,  
17 receipt for, or warrant or right to subscribe to or purchase any of the  
18 foregoing.

19 (27) The term "series of preferred stock" refers to a subdivision,  
20 within a class of preferred stock, each share of which has preferences,  
21 limitations, and relative rights identical with those of other shares  
22 of the same series.

23 (28) The term "subscription offering" refers to the offering of  
24 shares of capital stock, through nontransferable subscription rights  
25 issued to: (a) Eligible account holders as required by RCW 32.32.045;  
26 (b) supplemental eligible account holders as required by RCW 32.32.055;  
27 (c) directors, officers, and employees, as permitted by RCW 32.32.140;  
28 and (d) eligible account holders and supplemental eligible account  
29 holders as permitted by RCW 32.32.145.

30 (29) A "subsidiary" of a specified person is an affiliate  
31 controlled by the person, directly or indirectly through one or more  
32 intermediaries.

33 (30) The term "supplemental eligibility record date" means the  
34 supplemental record date for determining supplemental eligible account  
35 holders of a converting savings bank required by RCW 32.32.055. The  
36 date shall be the last day of the calendar quarter preceding director  
37 approval of the application for conversion.

1 (31) The term "supplemental eligible account holder" means any  
2 person holding a qualifying deposit, except officers, directors, and  
3 their associates, as of the supplemental eligibility record date.

4 (32) The term "underwriter" means any person who has purchased from  
5 an applicant with a view to, or offers or sells for an applicant in  
6 connection with, the distribution of any security, or participates or  
7 has a direct or indirect participation in the direct or indirect  
8 underwriting of any such undertaking; but the term does not include a  
9 person whose interest is limited to a commission from an underwriter or  
10 dealer not in excess of the usual and customary distributors' or  
11 sellers commission. The term "principal underwriter" means an  
12 underwriter in privity of contract with the applicant or other issuer  
13 of securities as to which that person is the underwriter.

14 Terms defined in other chapters of this title, when used in this  
15 chapter, shall have the meanings given in those definitions, to the  
16 extent those definitions are not inconsistent with the definitions  
17 contained in this chapter unless the context otherwise requires.

18 EXPLANATORY NOTE

19 RCW 32.32.025 was amended twice by the 1994 legislature.  
20 Chapter 92 s 352 made technical corrections, and chapter 256 s  
21 105 made technical corrections and revised regulation of  
22 financial institutions and securities. The purpose of this  
23 bill is to give effect to both amendments by reenacting the  
24 section including both amendments.

25 **Sec. 8.** RCW 35.23.051 and 1994 c 223 s 17 and 1994 c 81 s 36 are  
26 each reenacted to read as follows:

27 General municipal elections in second class cities not operating  
28 under the commission form of government shall be held biennially in the  
29 odd-numbered years and shall be subject to general election law.

30 The terms of office of the mayor, city attorney, clerk, and  
31 treasurer shall be four years and until their successors are elected  
32 and qualified and assume office in accordance with RCW 29.04.170:  
33 PROVIDED, That if the offices of city attorney, clerk, and treasurer  
34 are made appointive, the city attorney, clerk, and treasurer shall not  
35 be appointed for a definite term: PROVIDED FURTHER, That the term of  
36 the elected treasurer shall not commence in the same biennium in which  
37 the term of the mayor commences, nor in which the terms of the city  
38 attorney and clerk commence if they are elected.

39 Council positions shall be numbered in each second class city so  
40 that council position seven has a two-year term of office and council

1 positions one through six shall each have four-year terms of office.  
2 Each councilmember shall remain in office until a successor is elected  
3 and qualified and assumes office in accordance with RCW 29.04.170.

4 In its discretion the council of a second class city may divide the  
5 city by ordinance, into a convenient number of wards, not exceeding  
6 six, fix the boundaries of the wards, and change the ward boundaries  
7 from time to time and as provided in RCW 29.70.100. No change in the  
8 boundaries of any ward shall be made within one hundred twenty days  
9 next before the date of a general municipal election, nor within twenty  
10 months after the wards have been established or altered. However, if  
11 a boundary change results in one ward being represented by more  
12 councilmembers than the number to which it is entitled, those having  
13 the shortest unexpired terms shall be assigned by the council to wards  
14 where there is a vacancy, and the councilmembers so assigned shall be  
15 deemed to be residents of the wards to which they are assigned for  
16 purposes of determining whether those positions are vacant.

17 Whenever such city is so divided into wards, the city council shall  
18 designate by ordinance the number of councilmembers to be elected from  
19 each ward, apportioning the same in proportion to the population of the  
20 wards. Thereafter the councilmembers so designated shall be elected by  
21 the voters resident in such ward, or by general vote of the whole city  
22 as may be designated in such ordinance. Council position seven shall  
23 not be associated with a ward and the person elected to that position  
24 may reside anywhere in the city and voters throughout the city may vote  
25 at a primary to nominate candidates for position seven, when a primary  
26 is necessary, and at a general election to elect the person to council  
27 position seven. When additional territory is added to the city it may  
28 by act of the council, be annexed to contiguous wards without affecting  
29 the right to redistrict at the expiration of twenty months after last  
30 previous division. The removal of a councilmember from the ward for  
31 which he or she was elected shall create a vacancy in such office.

32 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards  
33 shall be used as follows: (1) Only a resident of the ward may be a  
34 candidate for, or hold office as, a councilmember of the ward; and (2)  
35 only voters of the ward may vote at a primary to nominate candidates  
36 for a councilmember of the ward. Voters of the entire city may vote at  
37 the general election to elect a councilmember of a ward, unless the  
38 city had prior to January 1, 1994, limited the voting in the general  
39 election for any or all council positions to only voters residing

1 within the ward associated with the council positions. If a city had  
2 so limited the voting in the general election to only voters residing  
3 within the ward, then the city shall be authorized to continue to do  
4 so. The elections for the remaining council position or council  
5 positions that are not associated with a ward shall be conducted as if  
6 the wards did not exist.

7 EXPLANATORY NOTE

8 RCW 35.23.051 was amended twice and recodified by the 1994  
9 legislature. Chapter 81 s 36 recodified RCW 35.24.050 and  
10 revised classifications of cities and towns, and chapter 223 s  
11 17 revised local government election practices. The purpose of  
12 this bill is to give effect to both amendments by reenacting  
13 the section including both amendments.

14 **Sec. 9.** RCW 35.23.101 and 1994 c 223 s 19 and 1994 c 81 s 38 are  
15 each reenacted to read as follows:

16 The council of a second class city may declare a council position  
17 vacant if the councilmember is absent for three consecutive regular  
18 meetings without permission of the council. In addition, a vacancy in  
19 an elective office shall occur and shall be filled as provided in  
20 chapter 42.12 RCW.

21 Vacancies in offices other than that of mayor or city councilmember  
22 shall be filled by appointment of the mayor.

23 If there is a temporary vacancy in an appointive office due to  
24 illness, absence from the city or other temporary inability to act, the  
25 mayor may appoint a temporary appointee to exercise the duties of the  
26 office until the temporary disability of the incumbent is removed.

27 EXPLANATORY NOTE

28 RCW 35.23.101 was amended twice and recodified by the 1994  
29 legislature. Chapter 81 s 38 recodified RCW 35.24.100 and  
30 revised classifications of cities and towns, and chapter 223 s  
31 19 revised local government election practices. The purpose of  
32 this bill is to give effect to both amendments by reenacting  
33 the section including both amendments.

34 **Sec. 10.** RCW 35.23.850 and 1994 c 223 s 16 and 1994 c 81 s 34 are  
35 each reenacted to read as follows:

36 In any city initially classified as a second class city prior to  
37 January 1, 1993, that retained its second class city plan of government  
38 when the city reorganized as a noncharter code city, the city council  
39 may divide the city into wards, not exceeding six in all, or change the  
40 boundaries of existing wards at any time less than one hundred twenty



1 days before a municipal general election. No change in the boundaries  
2 of wards shall affect the term of any councilmember, and councilmembers  
3 shall serve out their terms in the wards of their residences at the  
4 time of their elections. However, if these boundary changes result in  
5 one ward being represented by more councilmembers than the number to  
6 which it is entitled, those having the shortest unexpired terms shall  
7 be assigned by the council to wards where there is a vacancy, and the  
8 councilmembers so assigned shall be deemed to be residents of the wards  
9 to which they are assigned for purposes of determining whether those  
10 positions are vacant.

11 The representation of each ward in the city council shall be in  
12 proportion to the population as nearly as is practicable.

13 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards  
14 shall be used as follows: (1) Only a resident of the ward may be a  
15 candidate for, or hold office as, a councilmember of the ward; and (2)  
16 only voters of the ward may vote at a primary to nominate candidates  
17 for a councilmember of the ward. Voters of the entire city may vote at  
18 the general election to elect a councilmember of a ward, unless the  
19 city had prior to January 1, 1994, limited the voting in the general  
20 election for any or all council positions to only voters residing  
21 within the ward associated with the council positions. If a city had  
22 so limited the voting in the general election to only voters residing  
23 within the ward, then the city shall be authorized to continue to do  
24 so. The elections for the remaining council position or council  
25 positions that are not associated with a ward shall be conducted as if  
26 the wards did not exist.

27 EXPLANATORY NOTE  
28 RCW 35.23.850 was amended twice and recodified by the 1994  
29 legislature. Chapter 81 s 34 recodified RCW 35.23.530 and  
30 revised classifications of cities and towns, and chapter 223 s  
31 16 revised local government election practices. The purpose of  
32 this bill is to give effect to both amendments by reenacting  
33 the section including both amendments.

34 **Sec. 11.** RCW 35A.06.020 and 1994 c 223 s 27 and 1994 c 81 s 68 are  
35 each reenacted to read as follows:

36 The classifications of municipalities which existed prior to the  
37 time this title goes into effect--first class cities, second class  
38 cities, unclassified cities, and towns--and the restrictions,  
39 limitations, duties, and obligations specifically imposed by law upon  
40 such classes of cities and towns, shall have no application to

1 noncharter code cities, but every noncharter code city, by adopting  
2 such classification, has elected to be governed by the provisions of  
3 this title, with the powers granted hereby. However, any code city  
4 that retains its old plan of government is subject to the laws  
5 applicable to that old plan of government until the city abandons its  
6 old plan of government and reorganizes and adopts a plan of government  
7 under chapter 35A.12 or 35A.13 RCW.

8 EXPLANATORY NOTE

9 RCW 35A.06.020 was amended twice by the 1994 legislature.  
10 Chapter 81 s 68 revised classifications of cities and towns,  
11 and chapter 223 s 27 revised local government election  
12 practices. The purpose of this bill is to give effect to both  
13 amendments by reenacting the section including both amendments.

14 **Sec. 12.** RCW 36.21.011 and 1994 c 301 s 6 and 1994 c 124 s 1 are  
15 each reenacted to read as follows:

16 Any assessor who deems it necessary in order to complete the  
17 listing and the valuation of the property of the county within the time  
18 prescribed by law, (1) may appoint one or more well qualified persons  
19 to act as assistants or deputies who shall not engage in the private  
20 practice of appraising within the county in which he or she is employed  
21 without the written permission of the assessor filed with the auditor;  
22 and each such assistant or deputy so appointed shall, under the  
23 direction of the assessor, after taking the required oath, perform all  
24 the duties enjoined upon, vested in or imposed upon assessors, and (2)  
25 may contract with any persons, firms or corporations, who are expert  
26 appraisers, to assist in the valuation of property.

27 To assist each assessor in obtaining adequate and well qualified  
28 assistants or deputies, the state department of personnel, after  
29 consultation with the Washington state association of county assessors,  
30 the Washington state association of counties, and the department of  
31 revenue, shall establish by July 1, 1967, and shall thereafter  
32 maintain, a classification and salary plan for those employees of an  
33 assessor who act as appraisers. The plan shall recommend the salary  
34 range and employment qualifications for each position encompassed by  
35 it, and shall, to the fullest extent practicable, conform to the  
36 classification plan, salary schedules and employment qualifications for  
37 state employees performing similar appraisal functions.

38 An assessor who intends to put such plan into effect shall inform  
39 the department of revenue and the county legislative authority of this

1 intent in writing. The department of revenue and the county  
2 legislative authority may thereupon each designate a representative,  
3 and such representative or representatives as may be designated by the  
4 department of revenue or the county legislative authority, or both,  
5 shall form with the assessor a committee. The committee so formed may,  
6 by unanimous vote only, determine the required number of certified  
7 appraiser positions and their salaries necessary to enable the assessor  
8 to carry out the requirements relating to revaluation of property in  
9 chapter 84.41 RCW. The determination of the committee shall be  
10 certified to the county legislative authority. The committee may be  
11 formed only once in a period of four calendar years.

12 After such determination, the assessor may provide, in each of the  
13 four next succeeding annual budget estimates, for as many positions as  
14 are established in such determination. Each county legislative  
15 authority to which such a budget estimate is submitted shall allow  
16 sufficient funds for such positions. An employee may be appointed to  
17 a position covered by the plan only if the employee meets the  
18 employment qualifications established by the plan.

19 EXPLANATORY NOTE

20 RCW 36.21.011 was amended twice by the 1994 legislature.  
21 Chapter 124 s 1, and chapter 301 s 6 both made technical  
22 corrections. The purpose of this bill is to give effect to  
23 both amendments by reenacting the section including both  
24 amendments.

25 **Sec. 13.** RCW 41.32.500 and 1994 c 197 s 17 and 1994 c 177 s 5 are  
26 each reenacted to read as follows:

27 Membership in the retirement system is terminated when a member  
28 retires for service or disability, dies, or withdraws his or her  
29 accumulated contributions.

30 The prior service certificate becomes void when a member dies or  
31 withdraws the accumulated contributions, and any prior administrative  
32 interpretation of the board of trustees, consistent with this section,  
33 is hereby ratified, affirmed and approved.

34 EXPLANATORY NOTE

35 RCW 41.32.500 was amended twice by the 1994 legislature.  
36 Chapter 177 s 5 related to withdrawal from the teachers'  
37 retirement system, and chapter 197 s 17 related to reentering  
38 the retirement system. The purpose of this bill is to give  
39 effect to both amendments by reenacting the section including  
40 both amendments.



1 if, by reason of such failure to transmit such abstract, any county  
2 shall fail to collect and pay to the state its due proportion of the  
3 state tax for any year, the department of revenue shall ascertain what  
4 amount of state tax said county has failed to collect, and certify the  
5 same to the state auditor, who shall charge the amount to the proper  
6 county and notify the auditor of said county of the amount of said  
7 charge; said sum shall be due and payable immediately by warrant in  
8 favor of the state on the current expense fund of said county.

9 EXPLANATORY NOTE

10 RCW 84.48.050 was amended twice by the 1994 legislature.  
11 Chapter 124 s 31 made technical corrections, and chapter 301 s  
12 42 changed the state board of equalization to the department of  
13 revenue and made other changes in the procedure for submitting  
14 abstracts of tax rolls. The purpose of this bill is to give  
15 effect to both amendments by reenacting the section including  
16 both amendments.

17 NEW SECTION. **Sec. 16.** RCW 35.23.310 and 1994 c 273 s 8, 1988 c  
18 168 s 2, & 1965 c 7 s 35.23.310 are each repealed.

19 EXPLANATORY NOTE

20 RCW 35.23.310 was both amended and repealed by the 1994  
21 legislature. Chapter 81 s 89 repealed RCW 35.23.310, and  
22 chapter 273 s 8 amended it to provide for publication of an  
23 ordinance by its title. Chapter 273 also amended RCW  
24 35.24.220, which was recodified as RCW 35.23.221, to provide  
25 for such publication. The purpose of this bill is to repeal  
26 RCW 35.23.310 and all related session laws.

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