
SENATE BILL 5764

State of Washington

54th Legislature

1995 Regular Session

By Senator Cantu

Read first time 02/06/95. Referred to Committee on Government Operations.

1 AN ACT Relating to the redistricting commission; and amending RCW
2 44.05.100, 44.05.080, and 42.30.110.

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

4 **Sec. 1.** RCW 44.05.100 and 1983 c 16 s 10 are each amended to read
5 as follows:

6 (1) Upon approval of a redistricting plan by three of the voting
7 members of the commission, but not later than (~~January 1st~~) December
8 15th of the year ending in (~~two~~) one, the commission shall submit the
9 plan to the legislature.

10 (2) After submission of the plan by the commission, the legislature
11 shall have the next thirty days during any regular or special session
12 to amend the commission's plan. If the legislature amends the
13 commission's plan the legislature's amendment must be approved by an
14 affirmative vote in each house of two-thirds of the members elected or
15 appointed thereto, and may not include more than two percent of the
16 population of any legislative or congressional district.

17 (3) The plan approved by the commission, with any amendment
18 approved by the legislature, shall be final upon approval of such
19 amendment or after expiration of the time provided for legislative

1 amendment by subsection (2) of this section whichever occurs first, and
2 shall constitute the districting law applicable to this state for
3 legislative and congressional elections, beginning with the next
4 elections held in the year ending in two. This plan shall be in force
5 until the effective date of the plan based upon the next succeeding
6 federal decennial census or until a modified plan takes effect as
7 provided in RCW 44.05.120(6).

8 (4) If three of the voting members of the commission fail to
9 approve and submit a plan within the time limitations provided in
10 subsection (1) of this section, the supreme court shall adopt a plan by
11 March 1st of the year ending in two. Any such plan approved by the
12 court is final and constitutes the districting law applicable to this
13 state for legislative and congressional elections, beginning with the
14 next election held in the year ending in two. This plan shall be in
15 force until the effective date of the plan based on the next succeeding
16 federal decennial census or until a modified plan takes effect as
17 provided in RCW 44.05.120(6).

18 **Sec. 2.** RCW 44.05.080 and 1983 c 16 s 8 are each amended to read
19 as follows:

20 In addition to other duties prescribed by law, the commission
21 shall:

22 (1) Adopt rules pursuant to the Administrative Procedure Act,
23 chapter 34.05 RCW, to carry out the provisions of Article II, section
24 43 of the state Constitution and of this chapter, which rules shall
25 provide that three voting members of the commission constitute a quorum
26 to do business, and that the votes of three of the voting members are
27 required for any official action of the commission;

28 (2) Act as the legislature's recipient of the final redistricting
29 data and maps from the United States Bureau of the Census;

30 (3) Comply with requirements to disclose and preserve public
31 records as specified in chapters 40.14 and 42.17 RCW;

32 (4) Hold open meetings and executive sessions pursuant to the open
33 public meetings act, chapter 42.30 RCW;

34 (5) Prepare and disclose its minutes pursuant to RCW 42.32.030;

35 (6) Be subject to the provisions of RCW 42.17.240;

36 (7) Prepare and publish a report with the plan; the report will be
37 made available to the public at the time the plan is published. The
38 report will include but will not be limited to: (a) The population and

1 percentage deviation from the average district population for every
2 district; (b) an explanation of the criteria used in developing the
3 plan with a justification of any deviation in a district from the
4 average district population; (c) a map of all the districts; and (d)
5 the estimated cost incurred by the counties for adjusting precinct
6 boundaries.

7 **Sec. 3.** RCW 42.30.110 and 1989 c 238 s 2 are each amended to read
8 as follows:

9 (1) Nothing contained in this chapter may be construed to prevent
10 a governing body from holding an executive session during a regular or
11 special meeting:

12 (a) To consider matters affecting national security;

13 (b) To consider the selection of a site or the acquisition of real
14 estate by lease or purchase when public knowledge regarding such
15 consideration would cause a likelihood of increased price;

16 (c) To consider the minimum price at which real estate will be
17 offered for sale or lease when public knowledge regarding such
18 consideration would cause a likelihood of decreased price. However,
19 final action selling or leasing public property shall be taken in a
20 meeting open to the public;

21 (d) To review negotiations on the performance of publicly bid
22 contracts when public knowledge regarding such consideration would
23 cause a likelihood of increased costs;

24 (e) To consider, in the case of an export trading company,
25 financial and commercial information supplied by private persons to the
26 export trading company;

27 (f) To receive and evaluate complaints or charges brought against
28 a public officer or employee. However, upon the request of such
29 officer or employee, a public hearing or a meeting open to the public
30 shall be conducted upon such complaint or charge;

31 (g) To evaluate the qualifications of an applicant for public
32 employment or to review the performance of a public employee. However,
33 subject to RCW 42.30.140(4), discussion by a governing body of
34 salaries, wages, and other conditions of employment to be generally
35 applied within the agency shall occur in a meeting open to the public,
36 and when a governing body elects to take final action hiring, setting
37 the salary of an individual employee or class of employees, or

1 discharging or disciplining an employee, that action shall be taken in
2 a meeting open to the public;

3 (h) To evaluate the qualifications of a candidate for appointment
4 to elective office. However, any interview of such candidate and final
5 action appointing a candidate to elective office shall be in a meeting
6 open to the public;

7 (i) To discuss with legal counsel representing the agency matters
8 relating to agency enforcement actions, or to discuss with legal
9 counsel representing the agency litigation or potential litigation to
10 which the agency, the governing body, or a member acting in an official
11 capacity is, or is likely to become, a party, when public knowledge
12 regarding the discussion is likely to result in an adverse legal or
13 financial consequence to the agency;

14 (j) To consider, in the case of the state library commission or its
15 advisory bodies, western library network prices, products, equipment,
16 and services, when such discussion would be likely to adversely affect
17 the network's ability to conduct business in a competitive economic
18 climate. However, final action on these matters shall be taken in a
19 meeting open to the public;

20 (k) To consider, in the case of the state investment board,
21 financial and commercial information when the information relates to
22 the investment of public trust or retirement funds and when public
23 knowledge regarding the discussion would result in loss to such funds
24 or in private loss to the providers of this information;

25 (l) To consider, in the case of the redistricting commission, the
26 specific boundaries of proposed redistricting plans if the executive
27 session is called by the chairperson, the plans have at a prior time
28 been made public, and public testimony has already been given on such
29 plans. However, final action on the plans shall be taken in a meeting
30 open to the public.

31 (2) Before convening in executive session, the presiding officer of
32 a governing body shall publicly announce the purpose for excluding the
33 public from the meeting place, and the time when the executive session
34 will be concluded. The executive session may be extended to a stated
35 later time by announcement of the presiding officer.

--- END ---