

2 **SHB 1275** - H COMM AMD **ADOPTED 2/13/92**

3 By Committee on Local Government

4

5 Strike everything after the enacting clause and insert the  
6 following:

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

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

15 "Sec. 2. RCW 35.02.090 and 1986 c 234 s 12 are each amended to  
16 read as follows:

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

25 "Sec. 3. RCW 35.06.020 and 1965 c 7 s 35.06.020 are each amended  
26 to read as follows:

1       When a petition is filed signed by ((electors)) registered voters  
2 of a city or town, in number equal to not less than one-fifth of the  
3 votes cast at the last general municipal election, seeking  
4 reorganization thereof as a city of a higher class than that indicated  
5 by the last preceding federal or state census, the city or town council  
6 to which the petition is presented shall forthwith cause a census to be  
7 taken by one or more suitable persons of all the inhabitants of such  
8 town or city in which census the full name of each person shall be  
9 plainly written, and the names alphabetically arranged and regularly  
10 numbered in complete series. The census shall be verified before an  
11 officer authorized to administer oaths and filed with the city or town  
12 clerk.

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

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

22       "**Sec. 4.** RCW 35.06.030 and 1965 c 7 s 35.06.030 are each amended  
23 to read as follows:

24       If the census prescribed in RCW 35.06.020 shows that the city or  
25 town belongs to the class named in the petition, the city or town  
26 council shall cause notice to be given as in other cases, that at the  
27 ((the)) next general election of the city or town, or at a special  
28 election to be called for that purpose, the ((electors)) voters may

1 vote for or against the advancement, their ballots to contain the words  
2 "for advancement" and the words "against advancement."

3 "Sec. 5. RCW 35.06.050 and 1965 c 7 s 35.06.050 are each amended  
4 to read as follows:

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

12 "Sec. 6. RCW 35.24.020 and 1987 c 3 s 9 are each amended to read  
13 as follows:

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

1 reading room is established, five library trustees shall be appointed.  
2 The city council by ordinance shall prescribe the duties and fix the  
3 compensation of all officers and employees: PROVIDED, That the  
4 provisions of any such ordinance shall not be inconsistent with any  
5 statute: PROVIDED FURTHER, That where the city council finds that the  
6 appointment of a full time city engineer is unnecessary, it may in lieu  
7 of such appointment, by resolution provide for the performance of  
8 necessary engineering services on either a part time, temporary or  
9 periodic basis by a qualified engineering firm, pursuant to any  
10 reasonable contract.

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

18 "**Sec. 7.** RCW 35.24.180 and 1965 c 7 s 35.24.180 are each amended  
19 to read as follows:

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

25 Special meetings may be called by the mayor by written notice  
26 (~~delivered to each member of the council at least three hours before~~  
27 ~~the time specified for the proposed meeting~~) as provided in RCW  
28 42.30.080. No ordinances shall be passed or contract let or entered  
29 into, or bill for the payment of money allowed at any special meeting.

1 All meetings of the city council shall be held within the corporate  
2 limits of the city at such place as may be designated by ordinance.  
3 All meetings of the city council must be public."

4 "Sec. 8. RCW 35.24.190 and 1969 c 101 s 3 are each amended to read  
5 as follows:

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

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

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

24 "Sec. 9. RCW 35.27.010 and 1965 c 7 s 35.27.010 are each amended  
25 to read as follows:

26 Every municipal corporation of the fourth class shall be entitled  
27 the "Town of ....." (naming it), and by such name shall have  
28 perpetual succession, may sue, and be sued in all courts and places,

1 and in all proceedings whatever; shall have and use a common seal,  
2 alterable at the pleasure of the town authorities, and may purchase,  
3 lease, receive, hold, and enjoy real and personal property and control  
4 (~~and~~), lease, sublease, convey, or otherwise dispose of the same for  
5 the common benefit."

6 "Sec. 10. RCW 35.27.070 and 1987 c 3 s 12 are each amended to read  
7 as follows:

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

16 "Sec. 11. RCW 35.27.130 and 1990 c 212 s 2 are each amended to  
17 read as follows:

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

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

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

27 Any town that provides a pension for any of its employees under a  
28 plan not administered by the state must notify the state auditor of the

1 existence of the plan at the time of an audit of the town by the  
2 auditor. No town may establish a pension plan for its employees that  
3 is not administered by the state, except that any defined contribution  
4 plan in existence as of January 1, 1990, is deemed to have been  
5 authorized. No town that provides a defined contribution plan for its  
6 employees as authorized by this section may make any material changes  
7 in the terms or conditions of the plan after June 7, 1990."

8 "Sec. 12. RCW 35.27.270 and 1965 c 7 s 35.27.270 are each amended  
9 to read as follows:

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

21 All meetings of the council shall be held within the corporate  
22 limits of the town, at such places as may be designated by ordinance  
23 and shall be public."

24 "Sec. 13. RCW 35.27.280 and 1965 c 107 s 2 are each amended to  
25 read as follows:

26 A majority of the ~~((councilmen))~~ councilmembers shall constitute a  
27 quorum for the transaction of business, but a lesser number may adjourn

1 from time to time and may compel the attendance of absent members in  
2 such manner and under such penalties as may be prescribed by ordinance.

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

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

16 "NEW SECTION. Sec. 14. A new section is added to chapter 35.21  
17 RCW to read as follows:

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

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

27 (3) The clerk of every city and town is directed to provide to the  
28 municipal research council or its designee, promptly after adoption, a  
29 copy of each of its regulatory ordinances and such other ordinances or



1 kinds of ordinances as may be described in a list or lists promulgated  
2 by the municipal research council or its designee from time to time,  
3 and may provide such copies without charge. The municipal research  
4 council may provide that information to the entity with which it  
5 contracts for the provision of municipal research and services, in  
6 order to provide a pool of information for all cities and towns in the  
7 state of Washington.

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

9 "Sec. 15. RCW 35A.39.010 and 1967 ex.s. c 119 s 35A.39.010 are  
10 each amended to read as follows:

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

23 "Sec. 16. RCW 41.08.040 and 1973 1st ex.s. c 154 s 60 are each  
24 amended to read as follows:

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

1       They shall appoint a secretary and chief examiner, who shall keep  
2 the records of 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 fire department or of the fire 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 fire  
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) All hearings and investigations before the commission, or  
7 designated commissioner, or chief examiner, shall be governed by this  
8 chapter and by rules of practice and procedure to be adopted by the  
9 commission, and in the conduct thereof neither the commission, nor  
10 designated commissioner shall be bound by the technical rules of  
11 evidence. No informality in any proceedings or hearing, or in the  
12 manner of taking testimony before the commission or designated  
13 commissioner, shall invalidate any order, decision, rule or regulation  
14 made, approved or confirmed by the commission: PROVIDED, HOWEVER, That  
15 no order, decision, rule or regulation made by any designated  
16 commissioner conducting any hearing or investigation alone shall be of  
17 any force or effect whatsoever unless and until concurred in by at  
18 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 persons laid off  
29 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 a  
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. 17. RCW 41.12.040 and 1937 c 13 s 5 are each amended to read  
14 as follows:

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

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

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

1 decide. The secretary and chief examiner may be subject to suspension,  
2 reduction, or discharge in the same manner and subject to the same  
3 limitations as are provided in the case of members of the police  
4 department. It shall be the duty of the civil service commission:

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

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

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

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

26           (5) Hearings and Investigations: How conducted. All hearings and  
27 investigations before the commission, or designated commissioner, or  
28 chief examiner, shall be governed by this chapter and by rules of  
29 practice and procedure to be adopted by the commission, and in the  
30 conduct thereof neither the commission, nor designated commissioner

1 shall be bound by the technical rules of evidence. No informality in  
2 any proceedings or hearing, or in the manner of taking testimony before  
3 the commission or designated commissioner, shall invalidate any order,  
4 decision, rule or regulation made, approved or confirmed by the  
5 commission: PROVIDED, HOWEVER, That no order, decision, rule or  
6 regulation made by any designated commissioner conducting any hearing  
7 or investigation alone shall be of any force or effect whatsoever  
8 unless and until concurred in by at least one of the other two members;

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

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

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

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



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

3 "Sec. 18. RCW 42.17.310 and 1991 c 301 s 13, 1991 c 87 s 13, and  
4 1991 c 23 s 10 are each reenacted and amended to read as follows:

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

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

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

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

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

23 (e) Information revealing the identity of persons who file  
24 complaints with investigative, law enforcement, or penology agencies,  
25 other than the public disclosure commission, if disclosure would  
26 endanger any person's life, physical safety, or property. If at the  
27 time the complaint is filed the complainant indicates a desire for  
28 disclosure or nondisclosure, such desire shall govern. However, all  
29 complaints filed with the public disclosure commission about any

1 elected official or candidate for public office must be made in writing  
2 and signed by the complainant under oath.

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

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

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

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

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

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

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

29 (m) Financial information supplied by or on behalf of a person,  
30 firm, or corporation for the purpose of qualifying to submit a bid or

1 proposal for (a) a ferry system construction or repair contract as  
2 required by RCW 47.60.680 through 47.60.750 or (b) highway construction  
3 or improvement as required by RCW 47.28.070.

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

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

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

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

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

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

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

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

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

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

6 (x) Information obtained by the board of pharmacy or the department  
7 of health and its representatives as provided in RCW 69.41.044,  
8 69.41.280, and 18.64.420.

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

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

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

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

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

25 (2) Except for information described in subsection (1)(c)(i) of  
26 this section and confidential income data exempted from public  
27 inspection pursuant to RCW 84.40.020, the exemptions of this section  
28 are inapplicable to the extent that information, the disclosure of  
29 which would violate personal privacy or vital governmental interests,  
30 can be deleted from the specific records sought. No exemption may be

1 construed to permit the nondisclosure of statistical information not  
2 descriptive of any readily identifiable person or persons.

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

9 (4) Agency responses refusing, in whole or in part, inspection of  
10 any public record shall include a statement of the specific exemption  
11 authorizing the withholding of the record (or part) and a brief  
12 explanation of how the exemption applies to the record withheld."

13 "Sec. 19. RCW 54.08.010 and 1985 c 469 s 55 are each amended to  
14 read as follows:

15 At any general election held in an even-numbered year, the county  
16 legislative authority of any county in this state may, or, on petition  
17 of ten percent of the ((~~qualified electors~~)) registered voters of the  
18 county based on the total vote cast in the last general county election  
19 held in an even-numbered year, shall, by resolution, submit to the  
20 voters of the county the proposition of creating a public utility  
21 district which shall be coextensive with the limits of the county as  
22 now or hereafter established. A form of petition for the creation of  
23 a public utility district shall be submitted to the county auditor  
24 within ten months prior to the election at which the proposition is to  
25 be submitted to the voters. Petitions shall be filed with the county  
26 auditor not less than four months before the election and the county  
27 auditor shall within thirty days examine the signatures thereof and  
28 certify to the sufficiency or insufficiency thereof. If the petition  
29 be found to be insufficient, it shall be returned to the persons filing

1 the same, who may amend or add names thereto for ten days, when the  
2 same shall be returned to the county auditor, who shall have an  
3 additional fifteen days to examine the same and attach his or her  
4 certificate thereto. No person having signed the petition shall be  
5 allowed to withdraw his or her name therefrom after the filing of the  
6 same with the county auditor: PROVIDED, That each signature shall be  
7 dated and that no signature dated prior to the date on which the form  
8 of petition was submitted to the county auditor shall be valid.  
9 Whenever the petition shall be certified to as sufficient, the county  
10 auditor shall forthwith transmit the same, together with his or her  
11 certificate of sufficiency attached thereto, to the county legislative  
12 authority which shall submit the proposition to the voters of the  
13 county at the next general election in an even-numbered year occurring  
14 forty-five days after submission of the proposition to the legislative  
15 authority. The notice of the election shall state the boundaries of  
16 the proposed public utility district and the object of such election,  
17 and shall in other respects conform to the requirements of the general  
18 laws of the state of Washington, governing the time and manner of  
19 holding elections. In submitting the question to the voters for their  
20 approval or rejection, the proposition shall be expressed on the ballot  
21 substantially in the following terms:

- 22       Public Utility District No. .... YES ( )  
23       Public Utility District No. .... NO ( )

24       Any petition for the formation of a public utility district may  
25 describe a less area than the entire county in which the petition is  
26 filed, the boundaries of which shall follow the then existing precinct  
27 boundaries and not divide any voting precinct; and in the event that  
28 such a petition is filed the county legislative authority shall fix a

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

22 No public utility district created after September 1, 1979, shall  
23 include any other public utility district within its boundaries:  
24 PROVIDED, That this paragraph shall not alter, amend, or modify  
25 provisions of chapter 54.32 RCW."

26 "Sec. 20. RCW 54.08.070 and 1979 ex.s. c 240 s 2 are each amended  
27 to read as follows:

28 Any district which does not own or operate electric facilities for  
29 the generation, transmission or distribution of electric power on March

1 25, 1969, or any district which hereafter does not construct or acquire  
2 such electric facilities within ten years of its creation, shall not  
3 construct or acquire any such electric facilities without the approval  
4 of such proposal by the voters of such district: PROVIDED, That a  
5 district shall have the power to construct or acquire electric  
6 facilities within ten years following its creation by action of its  
7 commission without voter approval of such action.

8 At any general election held in an even-numbered year, the proposal  
9 to construct or acquire electric facilities may be submitted to the  
10 voters of the district by resolution of the public utility district  
11 commission or shall be submitted to the voters of the district by the  
12 county legislative authority on petition of ten percent of the  
13 (~~qualified electors~~) registered voters of (~~such~~) the district,  
14 based on the total vote cast in the last general county election held  
15 in an even-numbered year. A form of petition for the construction or  
16 acquisition of electric facilities by the public utility district shall  
17 be submitted to the county auditor within ten months prior to the  
18 election at which such proposition is to be submitted to the voters.  
19 Petitions shall be filed with the county auditor not less than four  
20 months before such election and the county auditor shall within thirty  
21 days examine the signatures thereof and certify to the sufficiency or  
22 insufficiency thereof. If such petition is found to be insufficient,  
23 it shall be returned to the persons filing the same, who may amend and  
24 add names thereto for ten days, when the same shall be returned to the  
25 county auditor, who shall have an additional fifteen days to examine  
26 the same and attach his or her certificate thereto. No person having  
27 signed such petition shall be allowed to withdraw his or her name  
28 therefrom after the filing of the same with the county auditor:  
29 PROVIDED, That each signature shall be dated and that no signature  
30 dated prior to the date on which the form of petition was submitted to



1 the county auditor shall be valid. Whenever such petition shall be  
2 certified to as sufficient, the county auditor shall forthwith transmit  
3 the same, together with his or her certificate of sufficiency attached  
4 thereto, to the county legislative authority which shall submit such  
5 proposition to the voters of ((said)) the district at the next general  
6 election in an even-numbered year occurring forty-five days after  
7 submission of the proposition to ((said)) the legislative authority.  
8 The notice of the election shall state the object of such election, and  
9 shall in other respects conform to the requirements of the general laws  
10 of Washington, governing the time and manner of holding elections.

11 The proposal submitted to the voters for their approval or  
12 rejection, shall be expressed on the ballot substantially in the  
13 following terms:

14 Shall Public Utility District No. .... of ..... County  
15 construct or acquire electric facilities for the generation,  
16 transmission or distribution of electric power?

17 Yes ( )

18 No ( )

19 Within ten days after such election, the election board of the  
20 county shall canvass the returns, and if at such election a majority of  
21 the voters voting on such proposition shall vote in favor of such  
22 construction or acquisition of electric facilities, the district shall  
23 be authorized to construct or acquire electric facilities."

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

26 Any district now or hereafter created under the laws of this state  
27 may be dissolved, as hereinafter provided, by a majority vote of the

1 (~~qualified electors~~) registered voters of (~~such~~) the district at  
2 any general election upon a resolution of the district commission, or  
3 upon petition being filed and such proposition for dissolution  
4 submitted to (~~said electors~~) the voters in the same manner provided  
5 by chapter 54.08 RCW for the creation of public utility districts. The  
6 returns of the election on such proposition for dissolution shall be  
7 canvassed and the results declared in the same manner as is provided by  
8 RCW 54.08.010: PROVIDED, HOWEVER, That any such proposition to  
9 dissolve a district shall not be submitted to the (~~electors~~) voters  
10 if within five years prior to the filing of such petition or resolution  
11 such district has undertaken any material studies or material action  
12 relating to the construction or acquisition of any utility properties  
13 or if such district at the time of the submission of such proposition  
14 is actually engaged in the operation of any utility properties.

15 If a majority of the (~~votes cast~~) registered voters voting on the  
16 dissolution at the election favor dissolution, the commission of the  
17 district shall petition, without any filing fee, the superior court of  
18 the county in which such district is located for an order authorizing  
19 the payment of all indebtedness of the district and directing the  
20 transfer of any surplus funds or property to the general fund of the  
21 county in which such district is organized."

22 **SHB 1275** - H COMM AMD  
23 By Committee on Local Government

24  
25 On page 1, line 1 of the title, after "government;" strike the  
26 remainder of the title and insert "amending RCW 35.02.020, 35.02.090,  
27 35.06.020, 35.06.030, 35.06.050, 35.24.020, 35.24.180, 35.24.190,  
28 35.27.010, 35.27.070, 35.27.130, 35.27.270, 35.27.280, 35A.39.010,  
29 41.08.040, 41.12.040, 54.08.010, 54.08.070, and 54.08.080; reenacting

1 and amending RCW 42.17.310; and adding a new section to chapter 35.21  
2 RCW."