

real and personal property in the county of for the year one thousand nine hundred and

Witness my hand this day of, 19...

....., County Assessor

(4) The county assessor shall deliver said tax rolls to the county treasurer on or before the fifteenth day of December, taking his receipt therefor, and at the same time the county assessor shall provide the county auditor with an abstract of the tax rolls showing the total amount of taxes collectible in each of the taxing districts.

NEW SECTION. Sec. 3. Section 1 of this act applies to distributions beginning in 1986, and thereafter.

NEW SECTION. Sec. 4. Section 2 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, and shall be effective for taxes levied for collection in 1986 and thereafter.

Passed the House April 12, 1985.

Passed the Senate April 8, 1985.

Approved by the Governor April 25, 1985.

Filed in Office of Secretary of State April 25, 1985.

CHAPTER 185

[Substitute House Bill No. 52]

HUMAN RIGHTS COMMISSION—ENFORCEMENT OF ORDERS MODIFIED—
JURISDICTION OF COMMISSION MODIFIED

AN ACT Relating to the human rights commission; amending RCW 49.60.010, 49.60.040, 49.60.050, 49.60.060, 49.60.070, 49.60.080, 49.60.090, 49.60.100, 49.60.110, 49.60.120, 49.60.130, 49.60.140, 49.60.150, 49.60.160, 49.60.170, 49.60.180, 49.60.190, 49.60.210, 49.60.225, 49.60.226, 49.60.230, 49.60.240, 49.60.250, 49.60.260, 49.60.270, 49.60.310, 49.60.320, and 49.44.090; adding a new section to chapter 49.60 RCW; adding a new section to chapter 34.12 RCW; adding new sections to chapter 43.131 RCW; and repealing RCW 49.60.050, 49.60.051, 49.60.060, 49.60.070, 49.60.080, 49.60.090, 49.60.100, 49.60.110, 49.60.120, 49.60.130, 49.60.140, 49.60.150, 49.60.160, 49.60.170, 49.60.226, 49.60.230, 49.60.240, 49.60.250, 49.60.260, 49.60.270, 49.60.280, 49.60.310, and 49.60.320.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 183, Laws of 1949 as last amended by section 1, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.010 are each amended to read as follows:

This chapter shall be known as the "law against discrimination". It is an exercise of the police power of the state for the protection of the public welfare, health, and peace of the people of this state, and in fulfillment of the provisions of the Constitution of this state concerning civil rights. The legislature hereby finds and declares that practices of discrimination against

any of its inhabitants because of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical handicap are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in employment, in credit and insurance transactions, in places of public resort, accommodation, or amusement, and in real property transactions because of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical handicap; and the ((board)) commission established hereunder is hereby given general jurisdiction and power for such purposes.

Sec. 2. Section 3, chapter 183, Laws of 1949 as last amended by section 3, chapter 127, Laws of 1979 and RCW 49.60.040 are each amended to read as follows:

As used in this chapter:

"Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

"Commission" means the Washington state human rights commission;

"Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit;

"Employee" does not include any individual employed by his or her parents, spouse, or child, or in the domestic service of any person;

"Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

"Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

"National origin" includes "ancestry";

"Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, or with any sensory, mental,

or physical handicap, or a blind or deaf person using a trained dog guide, to be treated as not welcome, accepted, desired, or solicited;

"Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: **PROVIDED**, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

"Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

"Real estate transaction" includes the sale, exchange, purchase, rental, or lease of real property((-));

"Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred.

Sec. 3. Section 2, chapter 270, Laws of 1955 as last amended by section 9, chapter 338, Laws of 1981 and RCW 49.60.050 are each amended to read as follows:

There is created the "Washington state (~~(board against discrimination)~~) human rights commission," which shall be composed of five members to be appointed by the governor with the advice and consent of the senate, one of whom shall be designated as (~~(chairman)~~) chairperson by the governor.

*Sec. 4. Section 3, chapter 270, Laws of 1955 and RCW 49.60.060 are each amended to read as follows:

One of the original members of the (~~(board)~~) commission shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom (~~(he)~~) the individual succeeds.

A member shall be eligible for reappointment.

A vacancy in the (~~(board)~~) commission shall be filled within thirty days, the remaining members to exercise all powers of the (~~(board)~~) commission.

On or after the effective date of this 1985 act, vacancies shall be filled by the governor so as to guarantee, to the extent possible, that the membership of the commission is representative of the various geographical areas of the state.

Any member of the (~~(board)~~) commission may be removed by the governor for inefficiency, neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard thereon.

*Sec. 4 was partially vetoed, see message at end of chapter.

Sec. 5. Section 4, chapter 270, Laws of 1955 as last amended by section 98, chapter 287, Laws of 1984 and RCW 49.60.070 are each amended to read as follows:

Each member of the (~~(board)~~) commission shall be compensated in accordance with RCW 43.03.250 and, while in session or on official business, shall receive reimbursement for travel expenses incurred during such time in accordance with RCW 43.03.050 and 43.03.060.

Sec. 6. Section 5, chapter 270, Laws of 1955 and RCW 49.60.080 are each amended to read as follows:

The (~~(board)~~) commission shall adopt an official seal, which shall be judicially noticed.

Sec. 7. Section 6, chapter 270, Laws of 1955 as amended by section 6, chapter 37, Laws of 1957 and RCW 49.60.090 are each amended to read as follows:

The principal office of the ((board)) commission shall be in the city of Olympia, but it may meet and exercise any or all of its powers at any other place in the state, and may establish such district offices as it deems necessary.

Sec. 8. Section 7, chapter 270, Laws of 1955 as amended by section 74, chapter 75, Laws of 1977 and RCW 49.60.100 are each amended to read as follows:

The ((board)) commission, at the close of each fiscal year, shall report to the governor, describing the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, the recommendations it has issued, and the other work performed by it, and shall make such recommendations for further legislation as may appear desirable. The ((board)) commission may present its reports to the legislature; the ((board's)) commission's reports shall be made available upon request.

Sec. 9. Section 5, chapter 183, Laws of 1949 and RCW 49.60.110 are each amended to read as follows:

The ((board)) commission shall formulate policies to effectuate the purposes of this chapter and may make recommendations to agencies and officers of the state or local subdivisions of government in aid of such policies and purposes.

Sec. 10. Section 8, chapter 270, Laws of 1955 as last amended by section 4, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.120 are each amended to read as follows:

The ((board)) commission shall have the functions, powers and duties:

(1) To appoint an executive secretary and chief examiner, and such investigators, examiners, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(2) To obtain upon request and utilize the services of all governmental departments and agencies.

(3) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the ((board)) commission in connection therewith.

(4) To receive, investigate, and pass upon complaints alleging unfair practices as defined in this chapter (~~because of sex, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap~~).

(5) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of sex, race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical handicap.

(6) To make such technical studies as are appropriate to effectuate the purposes and policies of this chapter and to publish and distribute the reports of such studies.

(7) To cooperate and act jointly or by division of labor with the United States or other states, and with political subdivisions of the state of Washington and their respective human rights agencies to carry out the purposes of this chapter. However, the powers which may be exercised by the commission under this subsection permit investigations and complaint dispositions only if the investigations are designed to reveal, or the complaint deals only with, allegations which, if proven, would constitute unfair practices under this chapter. The commission may perform such services for these agencies and be reimbursed therefor.

(8) To foster good relations between minority and majority population groups of the state through seminars, conferences, educational programs, and other intergroup relations activities.

Sec. 11. Section 9, chapter 270, Laws of 1955 as last amended by section 146, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 49.60.130 are each amended to read as follows:

The ((board)) commission has power to create such advisory agencies and conciliation councils, local, regional, or state-wide, as in its judgment will aid in effectuating the purposes of this chapter. The ((board)) commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of sex, race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical handicap; to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state, and to make recommendations to the ((board)) commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the ((board)) commission may recommend to the appropriate state agency.

Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and the ((board)) commission may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance. The ((board)) commission may use organizations specifically experienced in dealing with questions of discrimination.

Sec. 12. Section 10, chapter 270, Laws of 1955 and RCW 49.60.140 are each amended to read as follows:

The ((board)) commission has power to hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production

for examination of any books or papers relating to any matter under investigation or in question before the ((board)) commission. The ((board)) commission may make rules as to the issuance of subpoenas by individual members, as to service of complaints, decisions, orders, recommendations and other process or papers of the ((board)) commission, its member, agent, or agency, either personally or by registered mail, return receipt requested, or by leaving a copy thereof at the principal office or place of business of the person required to be served. The return post office receipt, when service is by registered mail, shall be proof of service of the same.

Sec. 13. Section 11, chapter 270, Laws of 1955 and RCW 49.60.150 are each amended to read as follows:

No person shall be excused from attending and testifying or from producing records, correspondence, documents or other evidence in obedience to the subpoena of the ((board)) commission or of any individual member, on the ground that the testimony or evidence required of ((him)) the person may tend to incriminate ((him)) or subject ((him)) the person to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which ((he)) the person is compelled, after having claimed ((his)) the privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

Sec. 14. Section 12, chapter 270, Laws of 1955 and RCW 49.60.160 are each amended to read as follows:

In case of contumacy or refusal to obey a subpoena issued to any person, the superior court of any county within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the ((board)) commission shall have jurisdiction to issue to such person an order requiring such person to appear before the ((board)) commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt thereof.

Sec. 15. Section 13, chapter 270, Laws of 1955 and RCW 49.60.170 are each amended to read as follows:

Witnesses before the ((board)) commission, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of this state. Witnesses whose depositions are taken and the person taking the same shall be entitled to same fees as are paid for like services in the courts of the state.

Sec. 16. Section 9, chapter 37, Laws of 1957 as last amended by section 6, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.180 are each amended to read as follows:

It is an unfair practice for any employer:

(1) To refuse to hire any person because of (~~(such person's)~~) age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap, unless based upon a bona fide occupational qualification: PROVIDED, That the prohibition against discrimination because of such handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved.

(2) To discharge or bar any person from employment because of (~~(such person's)~~) age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of (~~(such person's)~~) age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap: PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the (~~(board)~~) commission by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes.

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

Sec. 17. Section 10, chapter 37, Laws of 1957 as last amended by section 8, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.190 are each amended to read as follows:

It is an unfair practice for any labor union or labor organization:

(1) To deny membership and full membership rights and privileges to any person because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap.

(2) To expel from membership any person because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap.

(3) To discriminate against any member, employer, (~~(or)~~) employee, or other person to whom a duty of representation is owed because of age, sex,

marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap.

Sec. 18. Section 12, chapter 37, Laws of 1957 and RCW 49.60.210 are each amended to read as follows:

It is an unfair practice for any employer, employment agency, ~~((or))~~ labor union, or other person to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a charge, testified, or assisted in any proceeding under this chapter.

Sec. 19. Section 7, chapter 167, Laws of 1969 ex. sess. as last amended by section 11, chapter 127, Laws of 1979 and RCW 49.60.225 are each amended to read as follows:

When a determination has been made under RCW 49.60.250 that an unfair practice involving real property has been committed, the ~~((board or its successor))~~ commission may, in addition to other relief authorized by RCW 49.60.250, award the complainant up to one thousand dollars for loss of the right secured by RCW 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.226, as now or hereafter amended, to be free from discrimination in real property transactions because of sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap. Enforcement of the order and appeal therefrom by the complainant or respondent shall be made as provided in RCW 49.60.260 and 49.60.270.

Sec. 20. Section 8, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.226 are each amended to read as follows:

The ~~((board against discrimination or its successor))~~ commission and units of local government administering ordinances with provisions similar to the real estate provisions of the law against discrimination are authorized and directed to enter into cooperative agreements or arrangements for receiving and processing complaints so that duplication of functions shall be minimized and multiple hearings avoided. No complainant may secure relief from more than one instrumentality of state, or local government, nor shall any relief be granted by any state or local instrumentality if relief has been granted or proceedings are continuing in any federal agency, court, or instrumentality, unless such proceedings have been deferred pending state action.

Sec. 21. Section 15, chapter 270, Laws of 1955 as amended by section 16, chapter 37, Laws of 1957 and RCW 49.60.230 are each amended to read as follows:

Who may file a complaint:

(1) Any person claiming to be aggrieved by an alleged unfair practice may, ~~((by himself))~~ personally or by his or her attorney, make, sign, and file with the ~~((board))~~ commission a complaint in writing under oath. The

complaint shall state the name and address of the person alleged to have committed the unfair practice and the particulars thereof, and contain such other information as may be required by the ((board)) commission.

(2) Whenever it has reason to believe that any person has been engaged or is engaging in an unfair practice, the ((board)) commission may issue a complaint.

(3) Any employer or principal whose employees, or agents, or any of them, refuse or threaten to refuse to comply with the provisions of this chapter may file with the ((board)) commission a written complaint under oath asking for assistance by conciliation or other remedial action.

Any complaint filed pursuant to this section must be so filed within six months after the alleged act of discrimination.

Sec. 22. Section 16, chapter 270, Laws of 1955 as last amended by section 1, chapter 259, Laws of 1981 and RCW 49.60.240 are each amended to read as follows:

After the filing of any complaint, the ((chairman)) chairperson of the ((board)) commission shall refer it to the appropriate section of the ((board's)) commission's staff for prompt investigation and ascertainment of the facts alleged in the complaint. The investigation shall be limited to the alleged facts contained in the complaint. The results of the investigation shall be reduced to written findings of fact, and a finding shall be made that there is or that there is not reasonable cause for believing that an unfair practice has been or is being committed. A copy of said findings shall be furnished to the complainant and to the person named in such complaint, hereinafter referred to as the respondent.

If the finding is made that there is reasonable cause for believing that an unfair practice has been or is being committed, the ((board's)) commission's staff shall immediately endeavor to eliminate the unfair practice by conference, conciliation and persuasion.

If an agreement is reached for the elimination of such unfair practice as a result of such conference, conciliation and persuasion, the agreement shall be reduced to writing and signed by the respondent, and an order shall be entered by the ((board)) commission setting forth the terms of said agreement. No order shall be entered by the ((board)) commission at this stage of the proceedings except upon such written agreement.

If no such agreement can be reached, a finding to that effect shall be made and reduced to writing, with a copy thereof furnished to the complainant and the respondent.

Sec. 23. Section 17, chapter 270, Laws of 1955 as last amended by section 1, chapter 293, Laws of 1983 and RCW 49.60.250 are each amended to read as follows:

(1) In case of failure to reach an agreement for the elimination of such unfair practice, and upon the entry of findings to that effect, the entire file, including the complaint and any and all findings made, shall be certified to

the ~~((chairman))~~ chairperson of the commission. The ~~((chairman))~~ chairperson of the commission shall thereupon request the appointment of an administrative law judge under Title 34 RCW to hear the complaint and shall cause to be issued and served in the name of the commission a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

(2) The place of any such hearing may be the office of the commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the commission: **PROVIDED**, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the commission who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall ~~((he))~~ the member or employee participate in the deliberations of the administrative law judge in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

(3) The respondent ~~((may))~~ shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine the complainant.

(4) The administrative law judge conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(5) If, upon all the evidence, the administrative law judge finds that the respondent has engaged in any unfair practice, the administrative law judge shall state findings of fact and shall issue and file with the commission and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair practice and to take such affirmative action, including, (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, an admission or restoration to full membership rights in any respondent organization, or to take such other action as, in the judgment of the administrative law judge, will effectuate the purposes of this chapter, including action that could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed one thousand dollars, and including a requirement for report of the matter on compliance.

(6) The final order of the administrative law judge shall include a notice to the parties of the right to obtain judicial review of the order by appeal in accordance with the provisions of RCW 34.04.130 or 34.04.133, and that such appeal must be served and filed within thirty days after the service of the order on the parties.

(7) If, upon all the evidence, the administrative law judge finds that the respondent has not engaged in any alleged unfair practice, the administrative law judge shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

~~((7))~~ (8) An order dismissing a complaint may include an award of reasonable attorneys' fees in favor of the respondent if the administrative law judge concludes that the complaint was frivolous, unreasonable, or groundless.

~~((8))~~ (9) The commission shall establish rules of practice to govern, expedite and effectuate the foregoing procedure.

Sec. 24. Section 21, chapter 37, Laws of 1957 as last amended by section 3, chapter 259, Laws of 1981 and RCW 49.60.260 are each amended to read as follows:

(1) The ~~((board))~~ commission shall petition the court within the county wherein any unfair practice occurred or wherein any person charged with an unfair practice resides or transacts business~~(;)~~ for the enforcement of any final order which is not complied with and is issued by the commission or an administrative law judge under the provisions of this chapter and for appropriate temporary relief or a restraining order, and shall certify and file in court ~~((a transcript of the entire record of the proceedings, including the pleadings and testimony upon which such order was made and the finding and orders of the administrative law judge))~~ the final order sought to be enforced. Within five days after filing such petition in court, the ~~((board))~~ commission shall cause a notice of the petition to be sent by registered mail to all parties or their representatives.

(2) ~~From the time the petition is filed, the court shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to ((issue such orders and)) grant such ((relief by injunction or otherwise, including)) temporary relief(;) or restraining order as it deems just and suitable ((and to make and enter, upon the pleadings, testimony and proceedings set forth in such transcript, a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part any order of the board or administrative law judge.~~

~~(2) The findings of the administrative law judge as to the facts, if supported by substantial and competent evidence shall be conclusive. The court, upon its own motion or upon motion of either of the parties to the proceeding, may permit each party to introduce such additional evidence as the court may believe necessary to a proper decision of the cause)).~~

(3) If the petition shows that there is a final order issued by the commission or administrative law judge under RCW 49.60.240 or 49.60.250 and that the order has not been complied with in whole or in part, the court shall issue an order directing the person who is alleged to have not complied with the administrative order to appear in court at a time designated in the order, not less than ten days from the date thereof, and show cause why the

administrative order should not be enforced according to the terms. The commission shall immediately serve the person with a copy of the court order and the petition.

(4) The administrative order shall be enforced by the court if the person does not appear, or if the person appears and the court finds that:

(a) The order is regular on its face;

(b) The order has not been complied with; and

(c) The person's answer discloses no valid reason why the order should not be enforced, or that the reason given in the person's answer could have been raised by review under RCW 34.04.130, and the person has given no valid excuse for failing to use that remedy.

(5) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to a review by the supreme court or the court of appeals, on appeal, by either party, irrespective of the nature of the decree or judgment. Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the supreme court or the court of appeals, and the record so certified shall contain all that was before the lower court.

Sec. 25. Section 22, chapter 37, Laws of 1957 as amended by section 4, chapter 259, Laws of 1981 and RCW 49.60.270 are each amended to read as follows:

Any respondent or complainant, including the commission, aggrieved by a final order of an administrative law judge may obtain ((a)) judicial review of such order ((in the superior court for the county where the unfair practice is alleged to have occurred or in the county wherein such person resides or transacts business by filing with the clerk of the court, within two weeks from the date of receipt of such order, a written petition in duplicate praying that such order be modified or set aside. The clerk shall thereupon mail the duplicate copy to the board. The board shall then cause to be filed in the court a certified transcript of the entire record in the proceedings, including the pleadings, testimony and order. Upon such filing the court shall proceed in the same manner as in the case of a petition by the board and shall have the same exclusive)) as provided under the administrative procedure act, chapter 34.04 RCW. From the time a petition for review is filed, the court has jurisdiction to grant to any party such temporary relief or restraining order as it deems just and suitable((, and in like manner to make and enter a decree enforcing or modifying and enforcing as so modified or setting aside, in whole or in part, the order sought to be reviewed.

Unless otherwise directed by the court, commencement of review proceedings under this section shall operate as a stay of any order)). If the court affirms the order, it shall enter a judgment and decree enforcing the order as affirmed.

Sec. 26. Section 10, chapter 183, Laws of 1949 as last amended by section 4, chapter 100, Laws of 1961 and RCW 49.60.310 are each amended to read as follows:

Any person ((that)) who wilfully resists, prevents, impedes, or interferes with the ((board)) commission or any of its members or representatives in the performance of duty under this chapter, or ((that)) who wilfully violates an order of the ((board)) commission, is guilty of a misdemeanor; but procedure for the review of the order shall not be deemed to be such wilful conduct.

Sec. 27. Section 11, chapter 183, Laws of 1949 and RCW 49.60.320 are each amended to read as follows:

In any case in which the ((board)) commission shall issue an order against any political or civil subdivision of the state, or any agency, or instrumentality of the state or of the foregoing, or any officer or employee thereof, the ((board)) commission shall transmit a copy of such order to the governor of the state ((who)). The governor shall take such action ((as he deems appropriate)) to secure compliance with such order as the governor deems necessary.

NEW SECTION. Sec. 28. There is added to chapter 49.60 RCW a new section to read as follows:

No person shall be considered to have committed an unfair practice on the basis of age discrimination unless the practice discriminates against a person between the age of forty and seventy years and violates RCW 49.44.090. It is a defense to any complaint of an unfair practice of age discrimination that the practice does not violate RCW 49.44.090.

NEW SECTION. Sec. 29. There is added to chapter 34.12 RCW a new section to read as follows:

When requested by the state human rights commission, the chief administrative law judge shall assign an administrative law judge to conduct proceedings under chapter 49.60 RCW.

Sec. 30. Section 5, chapter 100, Laws of 1961 as amended by section 2, chapter 293, Laws of 1983 and RCW 49.44.090 are each amended to read as follows:

It shall be an unfair practice:

(1) For an employer or licensing agency, because an individual is between the ages of forty and seventy, to refuse to hire or employ or license or to bar or to terminate from employment such individual, or to discriminate against such individual in promotion, compensation or in terms, conditions or privileges of employment: PROVIDED, That employers or licensing agencies may establish reasonable minimum and/or maximum age limits with respect to candidates for positions of employment, which positions are of such a nature as to require extraordinary physical effort, endurance, condition or training, subject to the approval of the executive secretary of

the Washington state human rights commission or the director of labor and industries through the division of industrial relations.

(2) For any employer, licensing agency or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination respecting individuals between the ages of forty and seventy: PROVIDED, That nothing herein shall forbid a requirement of disclosure of birth date upon any form of application for employment or by the production of a birth certificate or other sufficient evidence of the applicant's true age.

Nothing contained in this section or in RCW 49.60.180 as to age shall be construed to prevent the termination of the employment of any person who is physically unable to perform his duties or to affect the retirement policy or system of any employer where such policy or system is not merely a subterfuge to evade the purposes of this section; nor shall anything in this section or in RCW 49.60.180 be deemed to preclude the varying of insurance coverages according to an employee's age; nor shall this section be construed as applying to any state, county, or city law enforcement agencies, or as superseding any law fixing or authorizing the establishment of reasonable minimum or maximum age limits with respect to candidates for certain positions in public employment which are of such a nature as to require extraordinary physical effort, or which for other reasons warrant consideration of age factors.

NEW SECTION. Sec. 31. A new section is added to chapter 43.131 RCW to read as follows:

The human rights commission and its powers and duties shall be terminated on June 30, 1989, as provided in section 32 of this act.

NEW SECTION. Sec. 32. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts as now existing or hereafter amended are each repealed, effective June 30, 1990:

(1) Section 2, chapter 270, Laws of 1955, section 5, chapter 37, Laws of 1957, section 9, chapter 338, Laws of 1981, section 3 of this act and RCW 49.60.050;

(2) Section 2, chapter 52, Laws of 1971 ex. sess. and RCW 49.60.051;

(3) Section 3, chapter 270, Laws of 1955, section 4 of this act and RCW 49.60.060;

(4) Section 4, chapter 270, Laws of 1955, section 145, chapter 34, Laws of 1975-'76 2nd ex. sess., section 98, chapter 287, Laws of 1984, section 5 of this act and RCW 49.60.070;

(5) Section 5, chapter 270, Laws of 1955, section 6 of this act and RCW 49.60.080;

(6) Section 6, chapter 270, Laws of 1955, section 6, chapter 37, Laws of 1957, section 7 of this act and RCW 49.60.090;

(7) Section 7, chapter 270, Laws of 1955, section 74, chapter 75, Laws of 1977, section 8 of this act and RCW 49.60.100;

(8) Section 5, chapter 183, Laws of 1949, section 9 of this act and RCW 49.60.110;

(9) Section 8, chapter 270, Laws of 1955, section 7, chapter 37, Laws of 1957, section 1, chapter 81, Laws of 1971 ex. sess., section 7, chapter 141, Laws of 1973, section 4, chapter 214, Laws of 1973 1st ex. sess., section 10 of this act and RCW 49.60.120;

(10) Section 9, chapter 270, Laws of 1955, section 2, chapter 81, Laws of 1971 ex. sess., section 8, chapter 141, Laws of 1973, section 5, chapter 214, Laws of 1973 1st ex. sess., section 146, chapter 34, Laws of 1975-'76 2nd ex. sess., section 11 of this act and RCW 49.60.130;

(11) Section 10, chapter 270, Laws of 1955, section 12 of this act and RCW 49.60.140;

(12) Section 11, chapter 270, Laws of 1955, section 13 of this act and RCW 49.60.150;

(13) Section 12, chapter 270, Laws of 1955, section 14 of this act and RCW 49.60.160;

(14) Section 13, chapter 270, Laws of 1955, section 15 of this act and RCW 49.60.170;

(15) Section 8, chapter 167, Laws of 1969 ex. sess., section 20 of this act and RCW 49.60.226;

(16) Section 15, chapter 270, Laws of 1955, section 16, chapter 37, Laws of 1957, section 21 of this act and RCW 49.60.230;

(17) Section 16, chapter 270, Laws of 1955, section 17, chapter 37, Laws of 1957, section 1, chapter 259, Laws of 1981, section 22 of this act and RCW 49.60.240;

(18) Section 17, chapter 270, Laws of 1955, section 18, chapter 37, Laws of 1957, section 2, chapter 259, Laws of 1981, section 1, chapter 293, Laws of 1983, section 23 of this act and RCW 49.60.250;

(19) Section 21, chapter 37, Laws of 1957, section 118, chapter 81, Laws of 1971, section 3, chapter 259, Laws of 1981, section 24 of this act and RCW 49.60.260;

(20) Section 22, chapter 37, Laws of 1957, section 4, chapter 259, Laws of 1981, section 25 of this act and RCW 49.60.270;

(21) Section 23, chapter 37, Laws of 1957 and RCW 49.60.280;

(22) Section 10, chapter 183, Laws of 1949, section 26, chapter 37, Laws of 1957, section 4, chapter 100, Laws of 1961, section 26 of this act and RCW 49.60.310; and

(23) Section 11, chapter 183, Laws of 1949, section 27 of this act and RCW 49.60.320.

Passed the House April 12, 1985.

Passed the Senate April 9, 1985.

Approved by the Governor April 25, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State April 25, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval a portion of Section 4, Substitute House Bill No. 52, entitled:

"AN ACT Relating to revising provisions relating to the human rights commission."

This bill makes various technical and procedural changes to the operation of the Human Rights Commission.

However, a portion of Section 4 requires the governor in making appointments to guarantee that the membership of the commission is representative of the various geographical areas of the state. This language is not typical of clauses for other Boards and Commissions and is vague. Language which expressly states the number of representatives from each side of mountains is typical and preferable where the legislature desires to mandate a geographic mix.

I am committed to work for geographical representation on Boards and Commissions and overall feel I have done so.

With the exception of a portion of Section 4, Substitute House Bill No. 52 is approved."

CHAPTER 186

[Senate Bill No. 3393]

CRIMINAL ACTIONS—STATUTE OF LIMITATIONS MODIFIED

AN ACT Relating to limitation of actions; and amending RCW 9A.04.080.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 9A.04.080, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 18, chapter 270, Laws of 1984 and RCW 9A.04.080 are each amended to read as follows:

Prosecutions for the offenses of murder, and arson where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in a state correctional institution, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation of his oath of office, and arson where death does not ensue, within ten years after their commission; for violations of RCW 9A.44.070, 9A.44.080, and 9A.44.100(1)(b), within ((five)) seven years after their commission; for violations of RCW 9A.82.060 or 9A.82.080, within six years after their commission; for all other offenses the punishment of which may be imprisonment in a state correctional institution, within three years after