

the application of the provision to other persons or circumstances is not affected.

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## CHAPTER 186

[Senate Bill No. 5002]

### COMMISSION ON JUDICIAL CONDUCT—MEMBERSHIP ENLARGED—DUTIES REVISED

AN ACT Relating to the commission on judicial conduct; amending RCW 2.64.010, 2.64.020, 2.64.110, and 34.08.020; reenacting and amending RCW 43.10.067; adding new sections to chapter 2.64 RCW; creating a new section; repealing RCW 2.64.090 and 2.64.900; and declaring an emergency.

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

Sec. 1. Section 2, chapter 268, Laws of 1981 and RCW 2.64.010 are each amended to read as follows:

For purposes of this chapter, "commission" means the (~~judicial qualifications~~) commission on judicial conduct provided for in Article IV, section 31 of the state Constitution, which is authorized to recommend to the supreme court, after notice and hearing, the censure, suspension or removal of a judge or justice for violating a rule of judicial conduct, or the retirement of a judge or justice for disability which is permanent, or likely to become permanent, and which seriously interferes with the performance of judicial duties. For purposes of this chapter, the term "judge or justice" includes justices of the supreme court, judges of the court of appeals, judges of the superior courts, judges of any court organized under Titles 3(~~(;)~~) or 35(~~(;-or-35A)~~) RCW, (~~and~~) judges pro tempore, court commissioners, and magistrates. This chapter shall apply to any judge or justice, regardless of whether the judge or justice serves full time or part time, and regardless of whether the judge or justice is admitted to practice law in this state.

Sec. 2. Section 3, chapter 268, Laws of 1981 and RCW 2.64.020 are each amended to read as follows:

The commission shall consist of (~~seven~~) nine members. One member shall be a judge selected by and from the court of appeals judges; one member shall be a judge selected by and from the superior court judges; one member shall be a judge selected by and from the district court judges; two members shall be selected by the state bar association and be admitted to the practice of law in this state; and (~~two~~) four members shall be nonlawyers appointed by the governor and confirmed by the senate. The term of each member of the commission shall be four years.

~~((The initial terms shall be determined by lot conducted by commission members as follows:~~

- ~~(1) One member shall serve a one-year term;~~
- ~~(2) Two members shall serve two-year terms;~~
- ~~(3) Two members shall serve three-year terms; and~~
- ~~(4) Two members shall serve four-year terms.~~

~~The selection by lot shall be adjusted, if necessary, so neither the two lawyer members' terms nor the two lay members' terms will expire in the same year. Initial terms shall commence thirty days following May 18, 1981.))~~

**NEW SECTION.** Sec. 3. Notwithstanding RCW 2.64.020, the initial term of one of the members added to the commission on judicial conduct by section 2 of this act shall end on June 16, 1990, and the term of the other member shall end on June 16, 1991, as determined by lot.

**NEW SECTION.** Sec. 4. A new section is added to chapter 2.64 RCW to read as follows:

The commission shall submit proposed and adopted rules for publication in the Washington state register pursuant to RCW 34.08.020. Adopted rules shall be provided to the code reviser for publication with the Revised Code of Washington where rules of court are published and to the reporter of decisions for publication in the official codification of Washington court rules. The proposed and adopted rules shall also be filed with the administrator for the courts for distribution in accordance with supreme court rule.

Sec. 5. Section 12, chapter 268, Laws of 1981 and RCW 2.64.110 are each amended to read as follows:

All pleadings, papers, evidence records, and files of the commission, including complaints and the identity of complainants, compiled or obtained during the course of an investigation, are exempt from the public disclosure requirements of chapter 42.17 RCW. However, a judge or justice may waive confidentiality of the fact that a complaint is being investigated. The commission shall establish rules for the confidentiality of its proceedings with due regard for the privacy interests of judges or justices who are the subject of an inquiry and the protection of persons who file complaints with the commission. Any fact-finding hearing conducted by the commission, a subcommittee of the commission, or a master appointed by the commission shall be open to the public. Any person giving information to the commission or its employees, any member of the commission, or any person employed by the commission is subject to a proceeding for contempt in superior court for disclosing information in violation of a commission rule.

**NEW SECTION.** Sec. 6. A new section is added to chapter 2.64 RCW to read as follows:

If the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended, with salary, from his or

her judicial position upon filing of the recommendation with the supreme court and until a final determination is made by the supreme court.

Sec. 7. Section 43.10.067, chapter 8, Laws of 1965 as last amended by section 108, chapter 7, Laws of 1985 and by section 2, chapter 133, Laws of 1985 and RCW 43.10.067 are each reenacted and amended to read as follows:

No officer, director, administrative agency, board, or commission of the state, other than the attorney general, shall employ, appoint or retain in employment any attorney for any administrative body, department, commission, agency, or tribunal or any other person to act as attorney in any legal or quasi legal capacity in the exercise of any of the powers or performance of any of the duties specified by law to be performed by the attorney general, except where it is provided by law to be the duty of the judge of any court or the prosecuting attorney of any county to employ or appoint such persons: PROVIDED, That RCW 43.10.040, and RCW 43.10.065 through 43.10.080 shall not apply to the administration of the judicial council, the ((judicial qualifications)) commission on judicial conduct, the state law library, the law school of the state university, the administration of the state bar act by the Washington State Bar Association, or the representation of an estate administered by the director of the department of revenue or the director's designee pursuant to chapter 11.28 RCW.

The authority granted by chapter 1.08 RCW and RCW 44.28.140 shall not be affected hereby.

Sec. 8. Section 8, chapter 2, Laws of 1983 as amended by section 3, chapter 60, Laws of 1986 and RCW 34.08.020 are each amended to read as follows:

There is hereby created a state publication to be called the Washington State Register, which shall be published on no less than a monthly basis. The register shall contain, but is not limited to, the following materials received by the code reviser's office during the pertinent publication period:

(1) (a) The full text of any proposed new or amendatory rule, as defined in RCW 34.04.010, and the citation of any existing rules the repeal of which is proposed, prior to the public hearing on such proposal. Such material shall be considered, when published, to be the official notification of the intended action, and no state agency or official thereof may take action on any such rule except on emergency rules adopted in accordance with RCW 34.04.030, until twenty days have passed since the distribution date of the register in which the rule and hearing notice have been published or a notice regarding the omission of the rule has been published pursuant to RCW 34.04.050(3) as now or hereafter amended;

(b) The small business economic impact statement, if required by RCW 19.85.030, preceding the full text of the proposed new or amendatory rule;

(2) The full text of any new or amendatory rule adopted, and the citation of any existing rule repealed, on a permanent or emergency basis;

(3) Executive orders and emergency declarations of the governor;

(4) Public meeting notices of any and all agencies of state government, including state elected officials whose offices are created by Article III of the state Constitution or RCW 48.02.010;

(5) Rules of the state supreme court which have been adopted but not yet published in an official permanent codification;

(6) Summaries of attorney general opinions and letter opinions, noting the number, date, subject, and other information, and prepared by the attorney general for inclusion in the register;

(7) Juvenile disposition standards and security guidelines proposed and adopted under RCW 13.40.030; ((and))

(8) Proposed and adopted rules of the commission on judicial conduct;  
and

(9) The maximum allowable rates of interest and retail installment contract service charges filed by the state treasurer under RCW 19.52.025 and 63.14.135. In addition, the highest rate of interest permissible for the current month and the maximum retail installment contract service charge for the current year shall be published in each issue of the register. The publication of the maximum allowable interest rate established pursuant to RCW 19.52.025 shall be accompanied by the following advisement: **NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.**

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 10, chapter 268, Laws of 1981 and RCW 2.64.090; and

(2) Section 14, chapter 268, Laws of 1981 and RCW 2.64.900.

NEW SECTION. Sec. 10. 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.

Passed the Senate January 26, 1987.

Passed the House April 13, 1987.

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