

constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(31) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(32) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(33) "Director" means the director of the department.

(34) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(35) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(36) "Retirement board" means the board of trustees provided for in RCW 41.32.040.

Sec. 2. Section 5, chapter 259, Laws of 1981 and RCW 49.60.330 are each amended to read as follows:

Any city classified as a first class city under RCW 35.01.010 with over one hundred twenty five thousand population may enact ordinances consistent with this chapter to provide administrative remedies for any form of discrimination (~~prescribed~~) proscribed by this chapter: PROVIDED, That the imposition of such administrative remedies shall be subject to judicial review.

NEW SECTION. Sec. 3. 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 18, 1983.

Passed the House January 28, 1983.

Approved by the Governor February 3, 1983.

Filed in Office of Secretary of State February 3, 1983.

## CHAPTER 6

[Engrossed Substitute House Bill No. 20]

### CONGRESSIONAL REDISTRICTING AND REAPPORTIONMENT— CONGRESSIONAL REDISTRICTING COMMISSION

AN ACT Relating to congressional reapportionment and redistricting; adding a new section to chapter 34.04 RCW; creating new sections; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds that a federal three judge court in Doph v. Munro et al., United States District Court No. C82-

233T, declared the Washington Legislature's 1982 Congressional Redistricting Plan, chapter 2, Laws of 1982, unconstitutional under Article I, section 2, of the United States Constitution and the court has directed that "The legislature shall adopt a constitutional redistricting plan within ninety (90) days after the 1983 regular session begins."

The legislature further recognizes its responsibility under Article XXVII, section 13 of the Washington state Constitution which requires that the legislature apportion and district anew and divide the state into congressional districts, according to the number of inhabitants.

**NEW SECTION.** Sec. 2. The definitions set forth in this section apply throughout this chapter, unless the context requires otherwise.

- (1) "Chief election officer" means the secretary of state.
- (2) "Federal census" means the decennial census required by federal law to be prepared by the United States bureau of the census in 1980.
- (3) "Lobbyist" means an individual required to register with the Washington public disclosure commission pursuant to RCW 42.17.150.
- (4) "Plan" means a plan for congressional redistricting.
- (5) "Political party office" means any elected or appointed office in any major or minor political party having a candidate on the ballot during any of the last two general elections, excluding the office of party precinct committeeperson.

(6) "Public office" means any elected or appointed office in the executive, judicial, or legislative branch or in any agency, commission, or organization of the federal, state, or local government.

**NEW SECTION.** Sec. 3. A congressional redistricting commission shall be established within five days after the effective date of this act to provide for the apportionment and redistricting of this state into congressional districts. The five-member commission shall be appointed as follows:

- (1) The legislative leaders of the two largest political parties in each house of the legislature shall appoint one person.
- (2) The four appointees, by an affirmative vote of at least three, shall appoint the fifth person who shall be a nonvoting member of the commission and serve as chairman.
- (3) If three of the four appointees fail to select a fifth appointee within twelve days after the effective date of this act pursuant to subsection (2) of this section, the supreme court is required to appoint the fifth person within nineteen days after the effective date of this act. If a fifth person is not appointed within nineteen days after the effective date of this act, then on and after such date the commission membership shall be limited to four persons and these four shall select a chairman from among their own number.
- (4) A vacancy on the commission shall be filled by the person or persons who made the initial appointment, or the successor of the person or persons making the original appointment, within two days after the vacancy occurs.

(5) If any commission member fails to attend three commission meetings without being excused by the chairman prior to the meetings, then at the conclusion of the third meeting, the member shall cease to be a commission member. The vacancy shall be filled as provided in subsection (4) of this section.

NEW SECTION. Sec. 4. (a) No person may be appointed to the commission who:

- (1) Is not a registered voter of the state at the time of the selection;
- (2) Holds or has held public office or political party office within one year prior to selection;
- (3) Is a relative of or is employed by a member of the state house of representatives or the state senate;
- (4) Is or has within one year prior to selection been a registered lobbyist; or
- (5) Has been directly involved in the Doph v Munro lawsuit or the preparation of C 2, L1982 (SHB 787).

(b) No person while a member of the commission may:

- (1) Hold or campaign for public or political party office while a member of the commission; or
- (2) Actively participate in any political campaign of any candidate for state or federal elective office while a member of the commission.

NEW SECTION. Sec. 5. (a) No person may be employed by the commission who:

- (1) Holds or has held public office or political party office within one year prior to selection;
- (2) Is a relative of or is employed by a member of the state house of representatives or the state senate; or
- (3) Is or has within one year prior to selection been a registered lobbyist; or
- (4) Has been directly involved in the Doph v Munro lawsuit or the preparation of C 2, L1982 (SHB 787).

(b) No person while an employee of the commission may:

- (1) Hold or campaign for public or political party office while an employee of the commission; or
- (2) Actively participate in any political campaign of any candidate for state or federal elective office while an employee of the commission.

NEW SECTION. Sec. 6. (1) The commission shall provide for the development of and shall adopt a plan dividing the state into congressional districts. It shall select a competent person or persons to prepare such plan.

(2) The commission may employ the services of experts, consultants, and support staff, including attorneys not employed by the attorney general, as necessary to carry out its duties pursuant to this chapter. The chief election officer, the treasurer, and the attorney general shall make available to

the commission such personnel, facilities, and other assistance as the commission may reasonably request.

(3) The commission, upon written request by a witness and subject to rules promulgated by the commission, may reimburse witnesses for their necessary expenses incurred in appearing before the commission.

(4) The legislature shall appropriate funds to enable the commission to carry out its duties. Members shall receive one hundred dollars of compensation for each day spent in the performance of their duties. Compensation of employees shall be determined by the commission. The provisions of RCW 43.03.050 and 43.03.060 shall apply to both the members and the employees of the commission.

NEW SECTION. Sec. 7. In addition to other duties prescribed by law, the commission shall:

(1) Adopt such bylaws and procedures as are convenient for carrying out this act. These rules and procedures shall provide that a majority of the voting members of the commission must be present to constitute a quorum to do business, and that the affirmative vote of three of the voting members is required for any official action of the commission;

(2) Act as the legislature's recipient of redistricting data and maps. Upon receipt of the data and maps, the commission shall promptly provide copies to the secretary of the senate and chief clerk of the house of representatives;

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

(4) Hold open meetings pursuant to the open public meetings act, chapter 42.30 RCW;

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

(6) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report shall include but shall not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the criteria used in developing the plan with a justification of any deviation in a district from the average district population; (c) a map of all the districts; and (d) the estimated cost incurred by the counties for adjusting precinct boundaries.

NEW SECTION. Sec. 8. (1) The commission plan shall provide for districts which have populations as nearly equal as is practicable, excluding nonresident military personnel and their dependents, based on the population reported in the federal decennial census.

(2) To the extent consistent with subsection (1) of this section, the commission plan should, insofar as practical, accomplish the following:

(a) District lines should be drawn so as to coincide with the boundaries of local political subdivisions and areas recognized as communities of interest. The number of counties and municipalities divided among more than one district should be as small as possible.

(b) Districts should be composed of convenient, contiguous, and compact territory. Land areas may be deemed contiguous if they share a common land border or are connected by a ferry, highway, bridge, or tunnel. Areas separated by unbridged water should be considered contiguous to the nearest land area only where necessary to comply with the other criteria enumerated in the Constitution and this section. Areas which only share common borders at the points of adjoining corners should not be deemed contiguous. Areas separated by geographical boundaries or artificial barriers that prevent transportation within a district should not be deemed contiguous.

(c) Whenever practicable, a precinct shall be wholly within a single congressional district.

(3) No district may be drawn for the purpose of favoring any political party, incumbent representative, or other person or group.

(4) No district may be drawn for the purpose of diluting the voting strength of any language or racial minority group.

NEW SECTION. Sec. 9. (1) The commission shall adopt the redistricting plan, with the approval of three of the voting members of the commission, within thirty days after the effective date of this act. Within two days after date of adoption, it shall submit the plan, in bill form, to the legislature.

(2) After submission of the plan by the commission, the legislature shall have the next fifteen days to adopt or amend the commission's plan. If the legislature amends the commission's plan, the legislature's amendment shall be approved by an affirmative vote in each house of two-thirds of the members of that house. The amendment shall not affect more than one percent of the population of any congressional district contained in the commission's plan.

(3) The plan as approved by the legislature shall be in force until the effective date of the plan based upon the next succeeding federal decennial census.

(4) If three of the voting members of the commission fail to approve and submit a plan within the time limitations provided in subsection (1) of this section or the legislature fails to enact the bill within the time limits in subsection (2) of this section, the federal court retaining jurisdiction is requested to adopt a plan by April 10, 1983.

NEW SECTION. Sec. 10. (1) Following the period provided by section 9 of this act for the adoption of a plan, the commission shall take all necessary steps to conclude its business and cease operations. The commission shall prepare a financial statement disclosing all expenditures made by the

commission. The official record shall contain all relevant information developed by the commission pursuant to carrying out its duties under this chapter, data collected, minutes of meetings, written communications, and other information of a similar nature. The commission shall provide for the permanent preservation of this official record. Once the commission ceases to exist, any budget surplus shall revert to the state general fund.

(2) The commission shall cease to exist forty-five days after the date established by section 9 of this act for submission of a plan to the legislature.

NEW SECTION. Sec. 11. There is added to chapter 34.04 RCW a new section to read as follows:

The provisions of this chapter 34.04 RCW do not apply to the temporary commission created under this 1983 act.

NEW SECTION. Sec. 12. This act is temporary in nature and need not be codified in the Revised Code of Washington. Any plans adopted under this act shall be codified in the Revised Code of Washington.

NEW SECTION. Sec. 13. 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 House February 3, 1983.

Passed the Senate February 3, 1983.

Approved by the Governor February 9, 1983.

Filed in Office of Secretary of State February 9, 1983.

## CHAPTER 7

[Engrossed Senate Bill No. 3258]

### SALES AND USE TAX INCREASES—BOAT TAX—ADMINISTRATIVE PROVISIONS—REVENUE ACCRUAL ACCOUNT

AN ACT Relating to revenue and taxation; amending section 3, chapter 65, Laws of 1970 ex. sess. and RCW 82.04.255; amending section 82.04.290, chapter 15, Laws of 1961 as last amended by section 212, chapter 3, Laws of 1983 and RCW 82.04.290; amending section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. as last amended by section 2, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.04.2901; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 8, Laws of 1981 2nd ex. sess. and RCW 82.12.020; amending section 31, chapter 35, Laws of 1982 1st ex. sess. as amended by section 1, chapter 14, Laws of 1982 2nd ex. sess. and RCW 82.02.030; amending section 84.36.080, chapter 15, Laws of 1961 and RCW 84.36.080; amending section 84.36.090, chapter 15, Laws of 1961 and RCW 84.36.090; amending section 82.48.020, chapter 15, Laws of 1961 as last amended by section 240, chapter 158, Laws of 1979 and RCW 82.48.020; amending section 82.48-.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.030; amending section 82.32.090, chapter 15, Laws of 1961 as last amended by section 8, chapter 172, Laws of 1981 and RCW 82.32.090; adding a new chapter to Title 82 RCW; adding a new chapter to Title 88 RCW; adding new sections to chapter 82.48 RCW; adding new sections to chapter 82.04 RCW; adding a new section to