

paper which he was ordered to bring or produce, he may forthwith punish the offender for contempt of court. Subpoenas shall be served and witness fees and mileage paid as allowed in civil cases in the superior courts of this state;

(3) Approve or deny applications to participate as a provider of services furnished pursuant to this chapter;

(4) Terminate or suspend eligibility to participate as a provider of services furnished pursuant to this chapter; and

(5) Adopt, promulgate, amend, and rescind administrative rules and regulations, in accordance with the administrative procedure act, chapter 34.04 RCW, to carry out the policies and purposes of sections 1 through 10 of this act.

NEW SECTION. Sec. 11. There is added to chapter 74.09 RCW a new section to read as follows:

Whenever the secretary of the department of social and health services imposes a civil penalty under section 2 of this act, or terminates or suspends a provider's eligibility under section 10 of this act, he shall, if the provider is licensed pursuant to Titles 18, 70, or 71 RCW, give written notice of such imposition, termination, or suspension to the appropriate licensing agency or disciplinary board.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 30, 1979.

Passed the House April 27, 1979.

Approved by the Governor May 10, 1979.

Filed in Office of Secretary of State May 10, 1979.

CHAPTER 153

[Substitute Senate Bill No. 2375]

CIVIL SERVICE FOR SHERIFFS' OFFICES

AN ACT Relating to civil service for sheriffs' offices; amending section 5, chapter 1, Laws of 1959 and RCW 41.14.050; amending section 6, chapter 1, Laws of 1959 and RCW 41.14.060; amending section 7, chapter 1, Laws of 1959 as amended by section 1, chapter 186, Laws of 1975 1st ex. sess. and RCW 41.14.070; amending section 13, chapter 1, Laws of 1959 and RCW 41.14.130; adding a new section to chapter 36.28 RCW; and adding a new section to chapter 41.14 RCW.

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

Section 1. Section 5, chapter 1, Laws of 1959 and RCW 41.14.050 are each amended to read as follows:

Immediately after appointment the commission shall organize by electing one of its members chairman and shall hold regular meetings at least

once a month, and such additional meetings as may be required for the proper discharge of its duties.

It shall appoint a chief examiner who shall also serve as secretary of the commission and such assistants as may be necessary. The chief examiner shall keep the records for the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The chief examiner shall be appointed as a result of competitive examination, which examination (~~((may be either original and))~~) must be open to all properly qualified citizens of the county(~~(, or promotional and limited to persons already in the service of the county sheriff's office))~~: PROVIDED, That no appointee of the commission, either as chief examiner or as an assistant to the chief examiner, shall be an employee of the sheriff's department. The chief examiner may be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of members of the classified service.

Sec 2. Section 6, chapter 1, Laws of 1959 and RCW 41.14.060 are each amended to read as follows:

It shall be the duty of the civil service commission:

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

(2) To give practical tests which shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made. Such tests may include tests of physical fitness or manual skill or both.

(3) To make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; to inspect all departments, offices, places, positions, and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise

language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, may administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents, and accounts appertaining to the investigation and also cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered and the subpoenas issued hereunder shall have the same force and effect as the oaths administered and subpoenas issued by a superior court judge in his judicial capacity; and the failure of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such.

(4) To conduct hearings and investigations in accordance with this chapter and by the rules of practice and procedure adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule, or regulation made, approved, or confirmed by the commission: PROVIDED, That no order, decision, rule, or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(5) To hear and determine appeals or complaints respecting the allocation of positions, the rejection of an examinee, and such other matters as may be referred to the commission.

(6) To provide for, formulate, and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and provide that persons laid off, or who have accepted voluntary demotion in lieu of layoff, because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed or reinstated in their former job class.

(7) To certify to the appointing authority, when a vacant position is to be filled, on written request, the names of the three persons highest on the eligible list for the class. If there is no such list, to authorize a provisional or temporary appointment list for such class. Such temporary provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as provisional appointee in any one fiscal year.

(8) To keep such records as may be necessary for the proper administration of this chapter.

Sec. 3. Section 7, chapter 1, Laws of 1959 as amended by section 1, chapter 186, Laws of 1975 1st ex. sess. and RCW 41.14.070 are each amended to read as follows:

The classified civil service and provisions of this chapter shall include all deputy sheriffs and other employees of the office of sheriff in each county except the ~~((following positions which are hereby designated the unclassified service:~~

~~(1) The~~) county sheriff in every county((;

~~(2) In each class A and class AA county, the positions of undersheriff, inspector, chief criminal deputy, chief civil deputy, jail superintendent, and one private secretary. PROVIDED, That)) and an additional number of positions, designated the unclassified service, determined as follows:~~

<u>Staff Personnel</u>	<u>Unclassified Position Appointments</u>
<u>1 through 10</u>	<u>2</u>
<u>11 through 20</u>	<u>3</u>
<u>21 through 50</u>	<u>4</u>
<u>51 through 100</u>	<u>5</u>
<u>101 and over</u>	<u>6</u>

The unclassified position appointments authorized by this section must include selections from the following positions up to the limit of the number of positions authorized: Undersheriff, inspector, chief criminal deputy, chief civil deputy, jail superintendent, and administrative assistant or administrative secretary. The initial selection of specific positions to be exempt shall be made by the sheriff, who shall notify the civil service commission of his selection. Subsequent changes in the designation of which positions are to be exempt may be made only with the concurrence of the sheriff and the civil service commission, and then only after the civil service commission has heard the issue in open meeting. Should the position or positions initially selected by the sheriff to be exempt (unclassified) pursuant to this section be under the classified civil service at the time of such selection, and should it (or they) be occupied, the employee(s) occupying said position(s) shall have the right to return to the next highest position or a like position under classified civil service.

The legislative authority of any class AA county operating under a home rule charter may designate unclassified positions of administrative responsibility not to exceed twelve positions((;

~~(3) In each county of the first class, second class, and third class, three principal positions comparable to undersheriff, a chief criminal deputy, and a chief civil deputy;~~

~~(4) In each of all other counties, one position to be appointed by the sheriff)).~~

Sec. 4. Section 13, chapter 1, Laws of 1959 and RCW 41.14.130 are each amended to read as follows:

Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall requisition the commission for the names and addresses of ((a)) persons eligible for appointment thereto. The commission shall certify the names of the three persons highest on the eligible list for the class to which the vacant position has been allocated, who ((is)) are willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the names of the three persons standing highest on the list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint ((such)) a person from those certified to the vacant position.

To enable the appointing power to exercise a greater degree of choice in the filling of positions, no appointment, employment, or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of one year's probationary service, as may be provided in the rules of the civil service commission, during which the appointing power may terminate the employment of the person ((certified to him)) appointed, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems ((him)) such person unfit or unsatisfactory for service in the office of county sheriff. Thereupon the appointing power shall ((designate the person certified as standing next highest on any such list)) again requisition the commission for the names and addresses of persons eligible for appointment in the manner provided by this section and ((such)) the person appointed in the manner provided by this section shall likewise enter upon said duties for the probationary period, until some person is found who is deemed fit for appointment, employment, or promotion whereupon the appointment, employment, or promotion shall be deemed complete.

NEW SECTION. Sec. 5. There is added to chapter 41.14 RCW a new section to read as follows:

Any classified employee having civil service status in a position may take an appointment in an exempt position in the same county and maintain the right to return to his or her regular position or to a like position at the conclusion of such appointment. Such employee must apply to return to classified service within thirty calendar days of:

- (1) Termination of employment in such exempt position; or
- (2) Termination of employment in any other exempt position in which the employee subsequently serves provided there was no break in service with the county of more than thirty calendar days.

NEW SECTION. Sec. 6. There is added to chapter 36.28 RCW a new section to read as follows:

A person who files a declaration of candidacy for the office of sheriff after the effective date of this act, shall have, within twelve months of assuming office, a certificate of completion of a basic law enforcement training program which complies with standards adopted by the criminal justice training commission pursuant to RCW 43.101.080 and 43.101.160.

This requirement does not apply to persons holding the office of sheriff in any county on the effective date of this act.

Passed the Senate April 28, 1979.

Passed the House April 27, 1979.

Approved by the Governor May 10, 1979.

Filed in Office of Secretary of State May 10, 1979.

CHAPTER 154

[Senate Bill No. 2462]

STATE FUNDS—AUTHORIZED INVESTMENTS

AN ACT Relating to investment of state funds; and amending section 43.84.080, chapter 8, Laws of 1965 as last amended by section 1, chapter 4, Laws of 1975 1st ex. sess. and RCW 43.84.080.

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

Section 1. Section 43.84.080, chapter 8, Laws of 1965 as last amended by section 1, chapter 4, Laws of 1975 1st ex. sess. and RCW 43.84.080 are each amended to read as follows:

Wherever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state finance committee, or upon authorization from the state finance committee, then the state treasurer, may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following defined securities or classes of investments: PROVIDED, That the state treasurer shall provide a monthly report of such investments and reinvestments to the state finance committee:

(1) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States;

(2) In state, county, municipal, or school district bonds, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state finance committee may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable;