

(4) The penalties provided in this section for malicious harassment do not preclude the victims from seeking any other remedies otherwise available under law.

Passed the Senate March 20, 1981.

Passed the House April 26, 1981.

Approved by the Governor May 18, 1981.

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CHAPTER 268

[Engrossed Senate Bill No. 3071]

JUDICIAL QUALIFICATIONS COMMISSION—APPROPRIATION

AN ACT Relating to the judiciary; amending section 43.10.067, chapter 8, Laws of 1965 and RCW 43.10.067; adding a new chapter to Title 2 RCW; creating new sections; and declaring an emergency.

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

Section 1. Section 43.10.067, chapter 8, Laws of 1965 and RCW 43.10.067 are each 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, the state law library, the law school of the state university, or the administration of the state bar act by the Washington State Bar Association.

The authority granted by chapter 1.08 RCW, RCW 44.24.050, and RCW 44.28.140 shall not be affected hereby.

NEW SECTION. Sec. 2. For purposes of this chapter, "commission" means the judicial qualifications commission 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, 35, or

35A RCW, and judges pro tempore. 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.

NEW SECTION. Sec. 3. The commission shall consist of seven 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 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 the effective date of this act.

NEW SECTION. Sec. 4. Commission membership shall terminate if a member ceases to hold the position that qualified him or her for appointment. Vacancies caused by disqualification or resignation shall be filled by the appointing authority for the remainder of the term. No person may serve more than two consecutive four-year terms. A person may be reappointed after a lapse of one year. A member, rather than his or her successor, shall continue to participate in any hearing in progress at the end of his or her term, or when the member ceases to hold the position that qualified him or her for appointment. The appointing authority shall appoint an alternate to serve during a member's temporary disability, disqualification, or inability to serve. No member may otherwise be removed from the commission before the end of his or her term except upon good cause found by the appointing authority.

NEW SECTION. Sec. 5. Commission members and alternate members shall serve without compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, as now or hereafter amended.

NEW SECTION. Sec. 6. The commission may employ any personnel, including lawyers, and make any other expenditures necessary for the effective performance of its duties and the exercise of its powers. Commission employees shall be exempt from the civil service law, chapter 41.06 RCW.

NEW SECTION. Sec. 7. Each member of the commission, and any special master appointed by the commission, may administer oaths. The commission may summon and examine witnesses and compel the production and examination of papers, books, accounts, documents, records, certificates, and other evidence for the determination of any issue before or the discharge of any duty of the commission. The commission shall also issue subpoenas at the request and on behalf of any judge or justice under inquiry. All subpoenas shall be signed by a member of the commission or a special master appointed by the commission. Subpoenas shall be served and witnesses reimbursed in the manner provided in civil cases in superior court.

NEW SECTION. Sec. 8. If a person refuses to obey a subpoena issued by the commission or refuses to answer any proper question during a hearing or proceeding, the superior court of any county in which the hearing or proceeding is conducted or in which the person resides or is found shall have jurisdiction, upon application by the commission, to order the person to appear before the commission, to produce evidence if so ordered, or to give testimony concerning the matter under investigation. Failure to obey the order of the court may be punished as contempt.

NEW SECTION. Sec. 9. Members and employees of the commission, including any lawyers or special masters temporarily employed by the commission, are absolutely privileged from suit in any action, civil or criminal, based upon any disciplinary proceedings or upon other official acts as members or employees of the commission. Statements made to the commission or its investigators or other employees are absolutely privileged in actions for defamation. This absolute privilege does not apply to statements made in any other forum.

NEW SECTION. Sec. 10. Except as provided in this section chapter 34.04 RCW shall not apply to the commission. The commission shall propose and adopt rules in accordance with RCW 34.04.020 through RCW 34.04.040 and RCW 34.04.050 through RCW 34.04.080 as now or hereafter amended. The proposed and final rules shall also be filed with the administrator for the courts for distribution in accordance with supreme court rule.

NEW SECTION. Sec. 11. The commission shall prepare and present to the legislature proposed operating budgets for the commission in accordance with the provisions of chapter 43.88 RCW. The commission shall report to the legislature in the manner required by law, with due regard for the confidentiality of proceedings before the commission.

NEW SECTION. Sec. 12. 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. 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 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. 13. The commission shall for all purposes be considered an independent part of the judicial branch of government.

NEW SECTION. Sec. 14. The commission shall cease to exist on June 30, 1987, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 15. Sections 2 through 14 of this act shall constitute a new chapter in Title 2 RCW.

NEW SECTION. Sec. 16. There is hereby appropriated from the general fund to the judicial qualifications commission for the biennium ending June 30, 1983 a sum of \$287,000.

NEW SECTION. Sec. 17. 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.

NEW SECTION. Sec. 18. 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 April 25, 1981.

Passed the House April 20, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 269

[Second Substitute House Bill No. 257]

BORDER TOWNS—POLICE PROTECTION—APPROPRIATION

AN ACT Relating to border towns; creating new sections; and making an appropriation.

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

NEW SECTION. Section 1. The legislature finds and declares that certain counties and municipalities near international borders are subjected to a constant volume and flow of travelers and visitors for whom local government services must be provided. The legislature further finds that it is in the public interest and for the protection of the health, property, and welfare of the residents and visitors to provide supplemental resources to augment and maintain existing levels of police protection in these areas.