

RCW 70.119.110, no revocation, citation or charge shall be made under RCW 70.119.110 and 70.119.130 until a proper written notice of violation is received and a reasonable opportunity for correction has been given.

Passed the House March 30, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

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## CHAPTER 293

[House Bill No. 555]

### LAWS AGAINST DISCRIMINATION—REVISIONS

AN ACT Relating to discrimination; amending section 17, chapter 270, Laws of 1955 as last amended by section 2, chapter 259, Laws of 1981 and RCW 49.60.250; and amending section 5, chapter 100, Laws of 1961 and RCW 49.44.090.

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

Sec. 1. Section 17, chapter 270, Laws of 1955 as last amended by section 2, chapter 259, Laws of 1981 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 of the ((board)) commission. The chairman of the ((board)) 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 ((board)) 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 ((board)) commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the ((board)) commission: PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the ((board)) 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 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 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 ((board)) 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) 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) 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) The ((board)) commission shall establish rules of practice to govern, expedite and effectuate the foregoing procedure.

Sec. 2. Section 5, chapter 100, Laws of 1961 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 ((~~sixty-five~~)) 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 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 (~~sixty-five~~) 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.

Passed the House April 23, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

## CHAPTER 294

[House Bill No. 569]

### PUBLIC DISCLOSURE REPORTS

AN ACT Relating to public disclosure reports required to be filed with county officials; adding a new section to chapter 29.07 RCW; and adding a new section to chapter 42.17 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 42.17 RCW a new section to read as follows:

With regard to the reports required by this chapter to be filed with a county auditor or county elections official, the commission shall adopt rules governing the arrangement, handling, indexing, and disclosing of those reports by the county auditor or county elections official. The rules shall ensure ease of access by the public to the reports and shall include, but not be limited to, requirements for indexing the reports by the names of candidates or political committees and by the ballot proposition for or against which a political committee is receiving contributions or making expenditures.

NEW SECTION. Sec. 2. There is added to chapter 29.07 RCW a new section to read as follows:

Each county auditor or county elections official shall ensure that reports filed pursuant to chapter 42.17 RCW are arranged, handled, indexed, and