

before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(4) Benefits shall not be paid (as specified in subsections (1), (2), or (3) of this section) based on any services described in subsections (1) or (2) of this section to any individual who performed such services in an educational institution while in the employ of an educational service district which is established pursuant to chapter 28A.21 RCW and exists to provide services to local school districts.

~~((5) Subsections (2), (3), and (4) of this section, as they relate to services other than those in an instructional, research, or principal administrative capacity, shall not apply to an individual who has worked in a noninstructional, nonresearch, and nonprincipal administrative capacity for an educational institution during the same period one year earlier and who is not working in the current period due to a lack of work:))~~

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. This act shall apply to weeks of unemployment beginning on or after April 1, 1984.

Passed the House February 27, 1984.

Passed the Senate February 21, 1984.

Approved by the Governor March 7, 1984.

Filed in Office of Secretary of State March 7, 1984.

CHAPTER 141

[House Bill No. 1248]

STATE PATROL OFFICERS—DISCIPLINARY PROCEDURES MODIFIED

AN ACT Relating to discipline of state patrol officers; amending section 43.43.060, chapter 8, Laws of 1965 and RCW 43.43.060; amending section 43.43.070, chapter 8, Laws of 1965 and RCW 43.43.070; amending section 43.43.090, chapter 8, Laws of 1965 and RCW 43.43.090; amending section 43.43.100, chapter 8, Laws of 1965 and RCW 43.43.100; amending 43.43.360, chapter 8, Laws of 1965 and RCW 43.43.360; amending section 6, chapter 67, Laws of 1981 as amended by section 2, chapter 189, Laws of 1982 and RCW 34.12.060; amending section 15, chapter 234, Laws of 1959 as last amended by section 6, chapter 221, Laws of 1982 and RCW 34.04.150; adding a new section to chapter 34.12 RCW; and declaring an emergency.

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

Sec. 1. Section 43.43.060, chapter 8, Laws of 1965 and RCW 43.43-.060 are each amended to read as follows:

The chief of the Washington state patrol may (~~discipline any Washington state patrol officer by suspending him without pay, for a period of not more than thirty days, and may~~) suspend or demote any officer

~~((holding))~~ with probationary ~~((rank))~~ status, without preferring charges against ~~((him))~~ the officer, and without a hearing.

Sec. 2. Section 43.43.070, chapter 8, Laws of 1965 and RCW 43.43-.070 are each amended to read as follows:

Discharge ~~((or demotion))~~ of any officer ~~((holding))~~ with probationary status and discharge, demotion, or suspension of any officer with nonprobationary ~~((rank, or suspension for more than thirty days of any officer,))~~ status shall be only for cause, which shall be clearly stated in a written complaint, sworn to by the person preferring the charges, and served upon the officer complained of.

Upon being so served, any such officer shall be entitled to a public hearing before a trial board consisting of two Washington state patrol officers of the rank of captain, and one officer of equal rank with the officer complained of, who shall be selected by the chief of the Washington state patrol by lot from the roster of the patrol. In the case of complaint by an officer, such officer shall not be a member of the trial board.

Sec. 3. Section 43.43.090, chapter 8, Laws of 1965 and RCW 43.43-.090 are each amended to read as follows:

At the hearing, ~~((the chief of the patrol))~~ an administrative law judge appointed under chapter 34.12 RCW shall be the presiding officer, and shall make all necessary rulings in the course of the hearing, but shall not be entitled to vote.

The complainant and the officer complained of may submit evidence, and be represented by counsel, and a full and complete record of the proceedings, and all testimony, shall be taken down by a stenographer.

After hearing, the findings of the trial board shall be submitted to the chief. Such findings shall be final in the case of acquittal. In the event of conviction the chief may determine the proper disciplinary action and declare it by written order served upon the officer complained of.

Sec. 4. Section 43.43.100, chapter 8, Laws of 1965 and RCW 43.43-.100 are each amended to read as follows:

Any officer subjected to disciplinary action may, within ten days after the service of the order upon ~~((him))~~ the officer, apply to the superior court of Thurston county for a writ of review to have the reasonableness and lawfulness of the order inquired into and determined.

The superior court shall review the determination of the chief of the Washington state patrol in a summary manner, based upon the record of the hearing before the trial board, and shall render its decision within ninety days, either affirming or reversing the order of the chief, or remanding the matter to ~~((him))~~ the chief for further action. A transcript of the trial board hearing shall be provided to the court by the state patrol after being paid for by the officer subjected to disciplinary action. However, if the officer

prevails before the court, the state patrol shall reimburse the officer for the cost of the transcript.

Sec. 5. Section 43.43.360, chapter 8, Laws of 1965 and RCW 43.43-.360 are each amended to read as follows:

All newly appointed or promoted officers shall serve a probationary period of one year after appointment or promotion, whereupon their probationary status shall terminate, and they shall acquire regular status in the particular grade, unless given notice in writing to the contrary by the chief prior to the expiration of the probationary period.

~~((During his one year probationary period any newly appointed officer may be removed, or any officer promoted through examinations may be demoted to his previous rank by the chief without charges being preferred and without benefit of a hearing, as might otherwise be required under this chapter.))~~

NEW SECTION. Sec. 6. There is added to chapter 34.12 RCW a new section to read as follows:

The chief administrative law judge shall designate an administrative law judge to serve, as the need arises, as presiding officer in state patrol disciplinary hearings conducted under RCW 43.43.090.

Sec. 7. Section 6, chapter 67, Laws of 1981 as amended by section 2, chapter 189, Laws of 1982 and RCW 34.12.060 are each amended to read as follows:

When an administrative law judge presides at a hearing under this chapter and a majority of the officials of the agency who are to render the final decision have not heard substantially all of the oral testimony and read all exhibits submitted by any party, it shall be the duty of such judge, or in the event of his unavailability or incapacity, of another judge appointed by the chief administrative law judge, to issue an initial decision or proposal for decision including findings of fact and conclusions of law in accordance with RCW 34.04.110. However, this section does not apply to a state patrol disciplinary hearing conducted under RCW 43.43.090.

Sec. 8. Section 15, chapter 234, Laws of 1959 as last amended by section 6, chapter 221, Laws of 1982 and RCW 34.04.150 are each amended to read as follows:

Except as provided under RCW 34.04.290, this chapter shall not apply to the state militia, or the board of prison terms and paroles, or any institution of higher education as defined in RCW 28B.19.020. The provisions of RCW 34.04.090 through 34.04.130 shall not apply to the board of industrial insurance appeals or the board of tax appeals unless an election is made pursuant to RCW 82.03.140 or 82.03.190. The provisions of RCW 34.04-.090 through 34.04.130 and the provisions of RCW 34.04.170 shall not apply to the denial, suspension, or revocation of a driver's license by the

department of licensing. To the extent they are inconsistent with RCW 80.50.140, the provisions of RCW 34.04.130, 34.04.133, and 34.04.140 shall not apply to review of decisions made under RCW 80.50.100. To the extent they are inconsistent with any provisions of chapter 43.43 RCW, the provisions of this chapter shall not apply to such provisions. All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act.

NEW SECTION. Sec. 9. 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 28, 1984.

Passed the Senate February 22, 1984.

Approved by the Governor March 7, 1984.

Filed in Office of Secretary of State March 7, 1984.

CHAPTER 142

[Substitute House Bill No. 1282]

INDIGENT CANDIDATES—PUBLIC OFFICE FILING PROCEDURES

AN ACT Relating to candidate filings; amending section 29.18.030, chapter 9, Laws of 1965 as amended by section 1, chapter 103, Laws of 1965 ex. sess. and RCW 29.18.030; amending section 29.18.050, chapter 9, Laws of 1965 and RCW 29.18.050; adding new sections to chapter 29.18 RCW; creating a new section; and prescribing penalties.

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

NEW SECTION. Sec. 1. It is the intention of the legislature that this act shall provide an equitable qualifying procedure for candidates who, at the time of filing, lack sufficient assets or income to pay the filing fees otherwise required of candidates for public office.

NEW SECTION. Sec. 2. There is added to chapter 29.18 RCW a new section to read as follows:

Except where otherwise provided by state law, declarations of candidacy for the following offices shall be filed during regular business hours with the secretary of state or the county auditor no earlier than the last Monday in July and no later than the following Friday in the year in which the office is scheduled to be voted upon:

(1) Offices that are scheduled to be voted upon for full terms or both full terms and short terms at, or in conjunction with, a state general election; and

(2) Offices where a vacancy, other than a short term, exists that has not been filled by election and for which an election to fill the vacancy is required in conjunction with the next state general election.