

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1201

Chapter 363, Laws of 1991
(partial veto)

52nd Legislature
1991 Regular Session

COUNTIES--CLASSIFICATION BASED ON POPULATION
RATHER THAN FORMAL CLASSES

EFFECTIVE DATE: 7/28/91 - Except Sections 28, 29, 33, & 131 which
take effect on 7/1/92; & Section 47 which takes effect on 7/1/93.

Passed by the House April 28, 1991
Yeas 97 Nays 0

JOE KING
Speaker of the
House of Representatives

Passed by the Senate April 28, 1991
Yeas 38 Nays 9

JOEL PRITCHARD
President of the Senate

Approved May 21, 1991, with
the exception of sections 42, 60,
and 156, which are vetoed.

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the
House of Representatives of the State
of Washington, do hereby certify that
the attached is **SUBSTITUTE HOUSE BILL
1201** as passed by the House of
Representatives and the Senate on the
dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 21, 1991 - 11:38 a.m.

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 1201

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1991 Regular Session

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Cooper, Wood, Rayburn, Edmondson, Franklin, Haugen, Nealey, Zellinsky, Wynne, Bray, Mitchell, Roland and Ferguson).

Read first time February 20, 1991.

1 AN ACT Relating to local government; amending RCW 2.32.180,
2 2.32.280, 3.30.020, 3.38.030, 3.74.940, 7.06.010, 8.04.080, 9.73.220,
3 13.04.035, 13.04.093, 13.20.010, 13.20.060, 13.70.005, 15.60.170,
4 19.27.160, 26.12.050, 27.24.062, 27.24.068, 28A.315.450, 28A.315.460,
5 28A.315.590, 28A.315.600, 28A.315.610, 28A.315.620, 28A.315.630,
6 29.04.200, 29.10.180, 29.13.060, 29.30.060, 29.42.050, 29.42.070,
7 29.82.060, 35.21.010, 35.21.422, 35.58.040, 35.58.273, 35.81.010,
8 35.82.285, 36.01.130, 36.13.020, 36.13.100, 36.16.030, 36.16.030,
9 36.16.032, 36.16.050, 36.16.140, 36.17.010, 36.17.020, 36.17.040,
10 36.24.175, 36.27.060, 36.32.240, 36.32.350, 36.33.060, 36.33.065,
11 36.34.020, 36.34.050, 36.34.080, 36.34.090, 36.34.100, 36.47.040,
12 36.56.010, 36.57A.020, 36.58.030, 36.58.100, 36.64.060, 36.64.070,
13 36.69.010, 36.70.540, 36.78.020, 36.78.040, 36.79.140, 36.80.010,
14 36.81.130, 36.82.020, 36.82.160, 36.87.020, 36.93.030, 36.93.040,
15 36.93.051, 36.93.061, 36.93.063, 36.93.100, 36.93.140, 36.95.020,
16 40.04.100, 41.14.040, 41.14.065, 41.14.070, 41.14.210, 41.28.020,
17 41.56.030, 42.23.030, 43.99C.045, 46.09.240, 46.52.100, 47.26.121,

1 47.76.030, 47.76.040, 47.76.160, 53.12.010, 53.12.020, 53.12.035,
2 53.12.035, 53.25.100, 53.31.020, 53.49.010, 54.16.180, 56.04.120,
3 57.90.010, 67.28.090, 67.28.180, 67.28.240, 70.46.030, 70.54.180,
4 70.94.055, 70.142.040, 71.05.135, 71.24.045, 72.09.300, 72.09.050,
5 74.20.210, 76.12.030, 79.08.170, 81.100.030, 81.100.060, 81.104.030,
6 81.104.040, 81.104.140, 82.44.150, 87.19.020, and 88.32.230; reenacting
7 and amending RCW 28A.315.580, 28A.315.670, 28A.315.680, 36.32.250,
8 70.94.053, 82.14.045, and 53.31.911; adding new sections to chapter
9 39.04 RCW; adding a new section to chapter 39.30 RCW; adding new
10 sections to chapter 36.32 RCW; adding a new section to chapter 36.77
11 RCW; adding a new section to chapter 36.62 RCW; adding a new section to
12 chapter 36.88 RCW; adding a new section to chapter 36.28A RCW; adding
13 a new chapter to Title 36 RCW; creating new sections; repealing RCW
14 29.13.025, 36.13.010, 36.13.075, 36.13.080, 36.13.090, 36.93.920,
15 53.12.040, 53.12.044, 53.12.055, 53.12.160, 53.12.210, 36.32.271,
16 36.32.273, 36.32.275, 36.32.277, 36.32.500, 36.32.505, 36.82.030,
17 36.82.130, and 36.82.150; providing effective dates; and providing
18 expiration dates.

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

20 NEW SECTION. **Sec. 1.** The purposes of this act are to eliminate
21 the use of formal county classes and substitute the use of the most
22 current county population figures to distinguish counties. In
23 addition, certain old statutes that reference county class, but no
24 longer are followed, are repealed or amended to conform with current
25 practices.

26 **Sec. 2.** RCW 2.32.180 and 1990 c 186 s 3 are each amended to read
27 as follows:

1 It shall be and is the duty of each and every superior court judge
2 in counties or judicial districts in the state of Washington having a
3 population of over thirty-five thousand inhabitants to appoint, or said
4 judge may, in any county or judicial district having a population of
5 over twenty-five thousand and less than thirty-five thousand, appoint
6 a stenographic reporter to be attached to the judge's court (~~((helden by~~
7 ~~him))~~) who shall have had at least three years' experience as a skilled,
8 practical reporter, or who upon examination shall be able to report and
9 transcribe accurately one hundred and seventy-five words per minute of
10 the judge's charge or two hundred words per minute of testimony each
11 for five consecutive minutes; said test of proficiency, in event of
12 inability to meet qualifications as to length of time of experience, to
13 be given by an examining committee composed of one judge of the
14 superior court and two official reporters of the superior court of the
15 state of Washington, appointed by the president judge of the superior
16 court judges association of the state of Washington: PROVIDED, That a
17 stenographic reporter shall not be required to be appointed for the
18 seven additional judges of the superior court authorized for
19 appointment by section 1, chapter 323, Laws of 1987, the additional
20 superior court judge authorized by section 1, chapter 66, Laws of 1988,
21 the additional superior court judges authorized by sections 2 and 3,
22 chapter 328, Laws of 1989, or the additional superior court judges
23 authorized by sections 1 and 2, chapter 186, Laws of 1990. The initial
24 judicial appointee shall serve for a period of six years; the two
25 initial reporter appointees shall serve for a period of four years and
26 two years, respectively, from September 1, 1957; thereafter on
27 expiration of the first terms of service, each newly appointed member
28 of said examining committee to serve for a period of six years. In the
29 event of death or inability of a member to serve, the president judge
30 shall appoint a reporter or judge, as the case may be, to serve for the

1 balance of the unexpired term of the member whose inability to serve
2 caused such vacancy. The examining committee shall grant certificates
3 to qualified applicants. Administrative and procedural rules and
4 regulations shall be promulgated by said examining committee, subject
5 to approval by the said president judge.

6 The stenographic reporter upon appointment shall thereupon become
7 an officer of the court and shall be designated and known as the
8 official reporter for the court or judicial district for which he or
9 she is appointed: PROVIDED, That in no event shall there be appointed
10 more official reporters in any one county or judicial district than
11 there are superior court judges in such county or judicial district;
12 the appointments in each (~~class AA~~) county with a population of one
13 million or more shall be made by the majority vote of the judges in
14 said county acting en banc; the appointments in (~~class A counties and~~
15 ~~counties of the first class~~) each county with a population of from one
16 hundred twenty-five thousand to less than one million may be made by
17 each individual judge therein or by the judges in said county acting en
18 banc. Each official reporter so appointed shall hold office during the
19 term of office of the judge or judges appointing him or her, but may be
20 removed for incompetency, misconduct or neglect of duty, and before
21 entering upon the discharge of his or her duties shall take an oath to
22 perform faithfully the duties of his or her office, and file a bond in
23 the sum of two thousand dollars for the faithful discharge of his or
24 her duties. Such reporter in each court is hereby declared to be a
25 necessary part of the judicial system of the state of Washington.

26 **Sec. 3.** RCW 2.32.280 and 1957 c 244 s 5 are each amended to read
27 as follows:

28 In all counties or judicial districts, except in (~~class AA~~
29 ~~counties and class A counties and counties of the first class~~) any

1 county with a population of one hundred twenty-five thousand or more,
2 such official reporter shall act as amanuensis to the court for which
3 he or she is appointed.

4 **Sec. 4.** RCW 3.30.020 and 1987 c 202 s 110 are each amended to read
5 as follows:

6 The provisions of chapters 3.30 through 3.74 RCW shall apply to
7 ~~((class AA and class A counties))~~ each county with a population of two
8 hundred ten thousand or more: PROVIDED, That any city having a
9 population of more than ~~((five))~~ four hundred thousand may by
10 resolution of its legislative body elect to continue to operate a
11 municipal court pursuant to the provisions of chapter 35.20 RCW, as if
12 chapters 3.30 through 3.74 RCW had never been enacted: PROVIDED
13 FURTHER, That if a city elects to continue its municipal court pursuant
14 to this section, the number of district judges allocated to the county
15 in RCW 3.34.010 shall be reduced by two and the number of full time
16 district judges allocated by RCW 3.34.020 to the district in which the
17 city is situated shall also be reduced by two. The provisions of
18 chapters 3.30 through 3.74 RCW may be made applicable to any county
19 ~~((of the first, second, third, fourth, fifth, sixth, seventh, eighth,~~
20 ~~or ninth class))~~ with a population of less than two hundred ten
21 thousand upon a majority vote of its ~~((board of))~~ county
22 ~~((commissioners))~~ legislative authority.

23 **Sec. 5.** RCW 3.38.030 and 1984 c 258 s 25 are each amended to read
24 as follows:

25 Upon receipt of the districting plan, the county legislative
26 authority shall hold a public hearing, pursuant to the provisions of
27 RCW 36.32.120(7), as now or hereafter amended. At the hearing, anyone
28 interested in the plan may attend and be heard as to the convenience

1 which will be afforded to the public by the plan, and as to any other
2 matters pertaining thereto. If the county legislative authority finds
3 that the plan proposed by the districting committee conforms to the
4 standards set forth in chapters 3.30 through 3.74 RCW and is conducive
5 to the best interests and welfare of the county as a whole it may adopt
6 such plan. If the county legislative authority finds that the plan
7 does not conform to the standards as provided in chapters 3.30 through
8 3.74 RCW, the county legislative authority may modify, revise or amend
9 the plan and adopt such amended or revised plan as the county's
10 district court districting plan. The plan decided upon shall be
11 adopted by the county legislative authority not later than six months
12 after the ~~((classification of the county as class A))~~ county initially
13 obtains a population of two hundred ten thousand or more or the
14 adoption of the elective resolution.

15 **Sec. 6.** RCW 3.74.940 and 1965 ex.s. c 110 s 4 are each amended to
16 read as follows:

17 Any prior action by the ~~((county commissioners))~~ legislative
18 authority of any county ~~((of the first, second, third, fourth, fifth,~~
19 ~~sixth, seventh, eighth or ninth class))~~ with a population of less than
20 two hundred ten thousand to make the provisions of chapters 3.30
21 through 3.74 RCW applicable to their county and the organization of any
22 justice court as a result thereof, and all other things and proceedings
23 done or taken by such county or by their respective officers acting
24 under or in pursuance to such prior action and organization are hereby
25 declared legal and valid and of full force and effect.

26 **Sec. 7.** RCW 7.06.010 and 1984 c 258 s 511 are each amended to read
27 as follows:

1 In counties (~~of the second class and larger~~) with a population of
2 seventy thousand or more, the superior court of the county, by majority
3 vote of the judges thereof, or the county legislative authority may
4 authorize mandatory arbitration of civil actions under this chapter.
5 In all other counties, the superior court of the county, by a majority
6 vote of the judges thereof, may authorize mandatory arbitration of
7 civil actions under this chapter.

8 **Sec. 8.** RCW 8.04.080 and 1988 c 188 s 15 are each amended to read
9 as follows:

10 The order shall direct that determination be had of the
11 compensation and damages to be paid all parties interested in the land,
12 real estate, premises or other property sought to be appropriated for
13 the taking and appropriation thereof, together with the injury, if any,
14 caused by such taking and appropriation to the remainder of the lands,
15 real estate, premises, or other property from which the same is to be
16 taken and appropriated after offsetting against any and all such
17 compensation and damages the special benefits, if any, accruing to such
18 remainder by reason of the appropriation and the use by the state of
19 the lands, real estate, premises, and other property described in the
20 petition. The determination shall be made within thirty days after the
21 entry of such order, before a jury if trial by jury is demanded at the
22 hearing either by the petitioner or by the respondents, otherwise by
23 the court sitting without a jury. If no regular venire has been called
24 so as to be available to serve within such time on application of the
25 petitioner at the hearing, the court may by its order continue such
26 determination to the next regular jury term if a regular venire will be
27 called within sixty days, otherwise the court shall call a special jury
28 within said sixty days and direct that a jury panel be selected and
29 summoned pursuant to chapter 2.36 RCW, from the citizens of the county

1 in which the lands, real estate, premises, or other property sought to
2 be appropriated are situated, as many qualified persons as may be
3 necessary in order to form a jury of twelve persons, unless the
4 petitioner and respondents both consent to a less number of jurors
5 (such number to be not less than three), and such consent is entered by
6 the clerk in the minutes of such hearing. In any ~~((third-class))~~
7 county ~~((or lesser classification))~~ with a population of less than
8 seventy thousand, the costs of such special jury for the trial of such
9 condemnation cases only shall be borne by the state.

10 **Sec. 9.** RCW 9.73.220 and 1989 c 271 s 203 are each amended to read
11 as follows:

12 In each superior court judicial district in ~~((class AA and A~~
13 ~~counties))~~ a county with a population of two hundred ten thousand or
14 more there shall be available twenty-four hours a day at least one
15 superior court or district court judge or magistrate designated to
16 receive telephonic requests for authorizations that may be issued
17 pursuant to this chapter. The presiding judge of each such superior
18 court in conjunction with the district court judges in that superior
19 court judicial district shall establish a coordinated schedule of
20 rotation for all of the superior and district court judges and
21 magistrates in the superior court judicial district for purposes of
22 ensuring the availability of at least one judge or magistrate at all
23 times. During the period that each judge or magistrate is designated,
24 he or she shall be equipped with an electronic paging device when not
25 present at his or her usual telephone. It shall be the designated
26 judge's or magistrate's responsibility to ensure that all attempts to
27 reach him or her for purposes of requesting authorization pursuant to
28 this chapter are forwarded to the electronic page number when the judge

1 or magistrate leaves the place where he or she would normally receive
2 such calls.

3 **Sec. 10.** RCW 13.04.035 and 1979 c 155 s 5 are each amended to read
4 as follows:

5 Juvenile court, probation counselor, and detention services shall
6 be administered by the superior court, except that by local court rule
7 and agreement with the legislative authority of the county they may be
8 administered by the legislative authority of the county in the manner
9 prescribed by RCW 13.20.060: PROVIDED, That in any ((~~class AA~~)) county
10 with a population of one million or more, such services shall be
11 administered in accordance with chapter 13.20 RCW. The administrative
12 body shall appoint an administrator of juvenile court, probation
13 counselor, and detention services who shall be responsible for day-to-
14 day administration of such services, and who may also serve in the
15 capacity of a probation counselor. One person may, pursuant to the
16 agreement of more than one administrative body, serve as administrator
17 of more than one juvenile court.

18 **Sec. 11.** RCW 13.04.093 and 1985 c 354 s 30 are each amended to
19 read as follows:

20 It shall be the duty of the prosecuting attorney to act in
21 proceedings relating to the commission of a juvenile offense as
22 provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided
23 in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney
24 to handle delinquency cases under chapter 13.24 RCW and it shall be the
25 duty of the attorney general to handle dependency cases under chapter
26 13.24 RCW. It shall be the duty of the attorney general in contested
27 cases brought by the department to present the evidence supporting any
28 petition alleging dependency or seeking the termination of a parent and

1 child relationship or any contested case filed under RCW 26.33.100 or
2 approving or disapproving alternative residential placement: PROVIDED,
3 That in ~~((class 1 through 9 counties))~~ each county with a population of
4 less than two hundred ten thousand, the attorney general may contract
5 with the prosecuting attorney of the county to perform said duties of
6 the attorney general.

7 **Sec. 12.** RCW 13.20.010 and 1955 c 232 s 1 are each amended to read
8 as follows:

9 The judges of the superior court of any ~~((class AA))~~ county with a
10 population of one million or more are hereby authorized, by majority
11 vote, to appoint a board of managers to administer, subject to the
12 approval and authority of such superior court, the probation and
13 detention services for dependent and delinquent children coming under
14 the jurisdiction of the juvenile court.

15 Such board shall consist of four citizens of the county and the
16 judge who has been selected to preside over the juvenile court.

17 **Sec. 13.** RCW 13.20.060 and 1975 1st ex.s. c 124 s 1 are each
18 amended to read as follows:

19 In addition, and alternatively, to the authority granted by RCW
20 13.20.010, the judges of the superior court of any ~~((class AA))~~ county
21 with a population of one million or more operating under a county
22 charter providing for an elected county executive are hereby
23 authorized, by a majority vote, subject to approval by ordinance of the
24 legislative authority of the county to transfer to the county executive
25 the responsibility for, and administration of all or part of juvenile
26 court services, including detention, intake and probation. The
27 superior court and county executive of such county are further
28 authorized to establish a five-member juvenile court advisory board to

1 advise the county in its administration of such services, facilities
2 and programs. If the advisory board is established, two members of the
3 advisory board shall be appointed by the superior court, two members
4 shall be appointed by the county executive, and one member shall be
5 selected by the vote of the other four members. The county is
6 authorized to contract or otherwise make arrangements with other public
7 or private agencies to provide all or a part of such services,
8 facilities and programs. Subsequent to any transfer to the county of
9 responsibility and administration of such services, facilities and
10 programs pursuant to the foregoing authority, the judges of such
11 superior court, by majority vote subject to the approval by ordinance
12 of the legislative authority of the county, may retransfer the same to
13 the superior court.

14 **Sec. 14.** RCW 13.70.005 and 1989 1st ex.s. c 17 s 2 are each
15 amended to read as follows:

16 Periodic case review of all children in substitute care shall be
17 provided in at least one ((~~class 1 or higher~~)) county with a population
18 of one hundred twenty-five thousand or more, in accordance with this
19 chapter.

20 The administrator for the courts shall coordinate and assist in the
21 administration of the local citizen review board pilot program created
22 by this chapter.

23 **Sec. 15.** RCW 15.60.170 and 1989 c 354 s 64 are each amended to
24 read as follows:

25 The county legislative authority of any county ((~~of the third~~
26 ~~class~~)) with a population of from forty thousand to less than seventy
27 thousand located east of the Cascade crest and bordering on the
28 southern side of the Snake river shall have the power to designate by

1 an order made and published, as provided in RCW 15.60.190, certain
2 territories as apiary coordinated areas in which they may designate the
3 number of colonies per apiary, the distance between apiaries, the
4 minimum required setback distance from property lines, and/or the time
5 of year the regulations shall be in effect. No territory so designated
6 shall be less than two square miles in area.

7 **Sec. 16.** RCW 19.27.160 and 1989 c 246 s 7 are each amended to read
8 as follows:

9 Any county (~~((of the seventh class))~~) with a population of from five
10 thousand to less than ten thousand that had in effect on July 1, 1985,
11 an ordinance or resolution authorizing and regulating the construction
12 of owner-built residences may reenact such an ordinance or resolution
13 if the ordinance or resolution is reenacted before September 30, 1989.
14 After reenactment, the county shall transmit a copy of the ordinance or
15 resolution to the state building code council.

16 **Sec. 17.** RCW 26.12.050 and 1989 c 199 s 1 are each amended to read
17 as follows:

18 (1) Except as provided in subsection (2) of this section, in
19 (~~((class "A" counties and counties of the first through ninth classes))~~)
20 each county with a population of less than one million, the superior
21 court may appoint the following persons to assist the family court in
22 disposing of its business:

23 (a) One or more attorneys to act as family court commissioners, and

24 (b) Such investigators, stenographers and clerks as the court shall
25 find necessary to carry on the work of the family court.

26 (2) The county legislative authority must approve the creation of
27 family court commissioner positions.

1 (3) The appointments provided for in this section shall be made by
2 majority vote of the judges of the superior court of the county and may
3 be made in addition to all other appointments of commissioners and
4 other judicial attaches otherwise authorized by law. Family court
5 commissioners and investigators shall serve at the pleasure of the
6 judges appointing them and shall receive such compensation as the
7 county legislative authority shall determine. The appointments may be
8 full or part-time positions. A person appointed as a family court
9 commissioner may also be appointed to any other commissioner position
10 authorized by law.

11 **Sec. 18.** RCW 27.24.062 and 1971 ex.s. c 141 s 1 are each amended
12 to read as follows:

13 In each county (~~of the first, second, third, fourth, fifth, and~~
14 ~~sixth classes~~)) with a population of from eight thousand to less than
15 one hundred twenty-five thousand, there shall be a county law library
16 which shall be governed and maintained as hereinafter provided.

17 Two or more of such counties may, by agreement of the respective
18 law library boards of trustees, create a regional law library and
19 establish and maintain one principal law library at such location as
20 the regional board of trustees may determine will best suit the needs
21 of the users: PROVIDED, HOWEVER, That there shall be at all times a
22 law library in such size as the board of trustees may determine
23 necessary to be located at the courthouse where each superior court is
24 located.

25 **Sec. 19.** RCW 27.24.068 and 1975 c 37 s 1 are each amended to read
26 as follows:

27 In each county (~~of the seventh and eighth class~~)) with a
28 population of less than eight thousand, there may be a county law

1 library which shall be governed and maintained by the prosecuting
2 attorney who shall also serve as trustee of such library without
3 additional salary or other compensation.

4 The use of the county law library shall be free to the judges of
5 the state, to state and county officials, and to members of the bar,
6 and to such others as the prosecuting attorney may by rule provide.

7 **Sec. 20.** RCW 28A.315.450 and 1980 c 35 s 1 are each amended to
8 read as follows:

9 The governing board of a school district shall be known as the
10 board of directors of the district.

11 Unless otherwise specifically provided, as in RCW 29.13.060, each
12 member of a board of directors shall be elected by ballot by the
13 registered voters of the school district and shall hold office for a
14 term of four years and until a successor is elected and qualified.
15 Terms of school directors shall be staggered, and insofar as possible,
16 not more than a majority of one shall be elected to full terms at any
17 regular election. In case a member or members of a board of directors
18 are to be elected to fill an unexpired term or terms, the ballot shall
19 specify the term for which each such member is to be elected.

20 Except for a school district of the first class having within its
21 boundaries a city with a population of four hundred thousand people or
22 more (~~((in class AA counties))~~) which shall have a board of directors of
23 seven members, the board of directors of every school district of the
24 first class or school district of the second class shall consist of
25 five members.

26 **Sec. 21.** RCW 28A.315.460 and 1979 ex.s. c 183 s 10 are each
27 amended to read as follows:

1 After July 1, 1979, the election of directors of any first class
2 school district having within its boundaries a city with a population
3 of four hundred thousand people or more (~~((and being in a class AA~~
4 ~~county))),~~ shall be to four year terms. The initial four year terms
5 required by this section shall commence upon the expiration of terms in
6 existence at July 1, 1979. Nothing in this amendatory act shall affect
7 the term of office of any incumbent director of any such first class
8 school district.

9 **Sec. 22.** RCW 28A.315.580 and 1990 c 161 s 5 and 1990 c 33 s 319
10 are each reenacted and amended to read as follows:

11 Whenever an election shall be held for the purpose of securing the
12 approval of the voters for the formation of a new school district other
13 than a school district of the first class having within its boundaries
14 a city with a population of four hundred thousand people or more (~~(in~~
15 ~~class AA counties))),~~ if requested by one of the boards of directors of
16 the school districts affected, there shall also be submitted to the
17 voters at the same election a proposition to authorize the regional
18 committee to divide the school district, if formed, into five
19 directors' districts in first class school districts and a choice of
20 five directors' districts or no fewer than three directors' districts
21 with the balance of the directors to be elected at large in second
22 class school districts. Such director districts in second class
23 districts, if approved, shall not become effective until the regular
24 school election following the next regular school election at which
25 time a new board of directors shall be elected as provided in RCW
26 28A.315.550. Such director districts in first class districts, if
27 approved, shall not become effective until the next regular school
28 election at which time a new board of directors shall be elected as
29 provided in RCW 28A.315.600, 28A.315.610, and 28A.315.620. Each of the

1 five directors shall be elected from among the residents of the
2 respective director district, or from among the residents of the entire
3 school district in the case of directors at large, by the electors of
4 the entire school district.

5 **Sec. 23.** RCW 28A.315.590 and 1990 c 161 s 6 are each amended to
6 read as follows:

7 The board of directors of every first class school district other
8 than a school district of the first class having within its boundaries
9 a city with a population of four hundred thousand people or more (~~in~~
10 ~~class AA counties~~)) which is not divided into directors' districts may
11 submit to the voters at any regular school district election a
12 proposition to authorize the regional committee to divide the district
13 into directors' districts or for second class school districts into
14 director districts or a combination of no fewer than three director
15 districts and no more than two at large positions. If a majority of
16 the votes cast on the proposition shall be affirmative, the regional
17 committee shall proceed to divide the district into directors'
18 districts. Such director districts, if approved, shall not become
19 effective until the next regular school election when a new five member
20 board of directors shall be elected, one from each of the director
21 districts from among the residents of the respective director district,
22 or from among the residents of the entire school district in the case
23 of directors at large, by the electors of the entire district, two for
24 a term of two years and three for a term of four years, unless such
25 district elects its directors for six years, in which case, one for a
26 term of two years, two for a term of four years, and two for a term of
27 six years.

1 **Sec. 24.** RCW 28A.315.600 and 1990 c 33 s 320 are each amended to
2 read as follows:

3 Upon the establishment of a new school district of the first class
4 as provided for in RCW 28A.315.580 containing no former first class
5 district, the directors of the old school districts who reside within
6 the limits of the new district shall meet at the call of the
7 educational service district superintendent and shall constitute the
8 board of directors of the new district. If fewer than five such
9 directors reside in such new district, they shall become directors of
10 said district and the educational service district board shall appoint
11 the number of additional directors to constitute a board of five
12 directors for the district. Vacancies, once such a board has been
13 reconstituted, shall not be filled unless the number of remaining board
14 members is less than five, and such vacancies shall be filled in the
15 manner otherwise provided by law.

16 Each board of directors so constituted shall proceed at once to
17 organize in the manner prescribed by law and thereafter shall have all
18 the powers and authority conferred by law upon boards of directors of
19 first class school districts until the next regular school election in
20 the district at which election their successors shall be elected and
21 qualified. At such election no more than five directors shall be
22 elected either at large or by director districts, as the case may be,
23 two for a term of two years and three for a term of four years:
24 PROVIDED, That if such first class district is in a ((~~class AA or class~~
25 A)) county with a population of two hundred ten thousand or more and
26 contains a city of the first class, two directors shall be elected for
27 a term of three years and three directors shall be elected for a term
28 of six years.

Sec. 25. RCW 28A.315.610 and 1990 c 33 s 321 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.315.580 containing only one former first class district, the directors of the former first class district and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a ((~~class AA or class~~ A)) county with a population of two hundred ten thousand or more and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 26. RCW 28A.315.620 and 1990 c 33 s 322 are each amended to read as follows:

1 Upon the establishment of a new school district of the first class
2 as provided for in RCW 28A.315.580 containing more than one former
3 first class district, the directors of the largest former first class
4 district and three directors representative of the other former first
5 class districts selected by a majority of the board members of the
6 former first class districts and two directors representative of former
7 second class districts selected by a majority of the board members of
8 former second class districts shall meet at the call of the educational
9 service district superintendent and shall constitute the board of
10 directors of the new district. Vacancies once such a board has been
11 reconstituted shall not be filled unless the number of remaining board
12 members is less than seven, and such vacancies shall be filled in the
13 manner otherwise provided by law.

14 Each board of directors so constituted shall proceed at once to
15 organize in the manner prescribed by law and thereafter shall have all
16 of the powers and authority conferred by law upon boards of first class
17 districts until the next regular school election and until their
18 successors are elected and qualified. At such election other than
19 districts electing directors for six-year terms as provided in RCW
20 29.13.060, as now or hereafter amended, five directors shall be elected
21 either at large or by director districts, as the case may be, two for
22 a term of two years and three for a term of four years. At such
23 election for districts electing directors for six years other than a
24 district having within its boundaries a city with a population of four
25 hundred thousand people or more (~~((in class AA counties))~~) and electing
26 directors for six year terms, five directors shall be elected either at
27 large or by director districts, as the case may be, one for a term of
28 two years, two for a term of four years, and two for a term of six
29 years.

1 **Sec. 27.** RCW 28A.315.630 and 1990 c 33 s 323 are each amended to
2 read as follows:

3 Upon the establishment of a new school district of the first class
4 having within its boundaries a city with a population of four hundred
5 thousand people or more (~~(in class AA counties)~~), the directors of the
6 largest former first class district and three directors representative
7 of the other former first class districts selected by a majority of the
8 board members of the former first class districts and two directors
9 representative of former second class districts selected by a majority
10 of the board members of former second class districts shall meet at the
11 call of the educational service district superintendent and shall
12 constitute the board of directors of the new district. Each board of
13 directors so constituted shall proceed at once to organize in the
14 manner prescribed by law and thereafter shall have all the powers and
15 duties conferred by law upon boards of first class districts, until the
16 next regular school election and until their successors are elected and
17 qualified. Such duties shall include establishment of new director
18 districts as provided for in RCW 28A.315.670. At the next regular
19 school election seven directors shall be elected by director districts,
20 two for a term of two years, two for a term of four years and three for
21 a term of six years. Thereafter their terms shall be as provided in
22 RCW 28A.315.460.

23 Vacancies once such a board has been reconstituted shall not be
24 filled unless the number of remaining board members is less than seven,
25 and such vacancies shall be filled in the manner otherwise provided by
26 law.

27 **Sec. 28.** RCW 28A.315.670 and 1990 c 59 s 99 and 1990 c 33 s 327
28 are each reenacted and amended to read as follows:

1 Notwithstanding any other provision of law, any school district of
2 the first class having within its boundaries a city with a population
3 of four hundred thousand people or more (~~(in class AA counties)~~) shall
4 be divided into seven director districts. The boundaries of such
5 director districts shall be established by the members of the school
6 board and approved by the county committee on school district
7 organization, such boundaries to be established so that each such
8 district shall comprise, as nearly as practicable, an equal portion of
9 the population of the school district. Boundaries of such director
10 districts shall be adjusted by the school board and approved by the
11 county committee after each federal decennial census if population
12 change shows the need thereof to comply with the equal population
13 requirement above. No person shall be eligible for the position of
14 school director in any such director district unless such person
15 resides in the particular director district. Residents in the
16 particular director district desiring to be a candidate for school
17 director shall file their declarations of candidacy for such director
18 district and for the position of director in that district and shall be
19 voted upon, in any primary required to be held for the position under
20 Title 29 RCW, by the registered voters of that particular director
21 district. In the general election, each position shall be voted upon
22 by all the registered voters in the school district. The order of the
23 names of candidates shall appear on the primary and general election
24 ballots as required for nonpartisan positions under Title 29 RCW.
25 Except as provided in RCW 28A.315.680, every such director so elected
26 in school districts divided into seven director districts shall serve
27 for a term of four years as otherwise provided in RCW 28A.315.460.

28 **Sec. 29.** RCW 28A.315.680 and 1990 c 59 s 72 and 1990 c 33 s 328
29 are each reenacted and amended to read as follows:

1 Within thirty days after March 25, 1969, the school boards of any
2 school district of the first class having within its boundaries a city
3 with a population of four hundred thousand people or more (~~(in class AA~~
4 ~~counties))~~) shall establish the director district boundaries and obtain
5 approval thereof by the county committee on school district
6 organization. Appointment of a board member to fill any vacancy
7 existing for a new director district prior to the next regular school
8 election shall be by the school board. Prior to the next regular
9 election in the school district and the filing of declarations of
10 candidacy therefor, the incumbent school board shall designate said
11 director districts by number. Directors appointed to fill vacancies as
12 above provided shall be subject to election, one for a six-year term,
13 and one for a two-year term and thereafter the term of their respective
14 successors shall be for four years. The term of office of incumbent
15 members of the board of such district shall not be affected by RCW
16 28A.315.450, 28A.315.460, 28A.315.570, 28A.315.670, 28A.315.680, and
17 29.21.180.

18 **Sec. 30.** RCW 29.04.200 and 1990 c 184 s 1 are each amended to read
19 as follows:

20 (1) Beginning January 1, 1993, no voting device or machine may be
21 used in a county (~~(of the second class or larger))~~ with a population of
22 seventy thousand or more to conduct a primary or general or special
23 election in this state unless it correctly records on a separate ballot
24 the votes cast by each elector for any person and for or against any
25 measure and such separate ballots are available for audit purposes
26 after such a primary or election.

27 (2) Beginning January 1, 1993, the secretary of state shall not
28 certify under this title any voting device or machine for use in
29 conducting a primary or general or special election in this state

1 unless the device or machine correctly records on a separate ballot the
2 votes cast by each elector for any person and for or against any
3 measure and such separate ballots are available for audit purposes
4 after such a primary or election.

5 (3) Beginning January 1, 1993, a county (~~of the third class or~~
6 ~~smaller~~) with a population of less than seventy thousand may use a
7 voting machine or device for conducting a primary or general or special
8 election which does not record on a separate ballot, available for
9 audit purposes after the primary or election, the votes cast by each
10 elector for any person and for or against any measure if:

11 (a) The device was certified under this title before January 1,
12 1993, for use in this state;

13 (b) The device otherwise satisfies the requirements of this title;
14 and

15 (c) Not more than twenty percent of the votes cast during any
16 primary or general or special election conducted after January 1, 1998,
17 in the county are cast using such a machine or device.

18 (4) The purpose of subsection (3) of this section is to permit less
19 populous counties to replace voting equipment in stages over several
20 years. These less populous counties are, nonetheless, encouraged to
21 secure as expeditiously as possible voting equipment which would
22 satisfy the requirements of subsection (1) of this section established
23 for more populous counties. The secretary of state shall report to the
24 legislature by January 1st of each odd-numbered year through 1997 on
25 the progress of such less populous counties in replacing equipment
26 which does not satisfy the requirements of subsection (1) of this
27 section established for more populous counties.

28 **Sec. 31.** RCW 29.10.180 and 1989 c 261 s 1 are each amended to read
29 as follows:

1 (1) The county auditor may enter one or more contracts with the
2 United States postal service, or its licensee, which permit the auditor
3 to use postal service change-of-address information. If the auditor
4 finds that information received under such a contract gives the
5 appearance that a voter has changed his or her residence address, the
6 auditor shall notify the voter concerning the requirements of state and
7 federal laws governing voter registration and residence.

8 (2) Whenever any vote-by-mail ballot, notification to voters
9 following reprecincting of the county, notification to voters of
10 selection to serve on jury duty, notification under subsection (1) of
11 this section, or initial voter identification card is returned by the
12 postal service as undeliverable, the county auditor shall, in every
13 instance, inquire into the validity of the registration of that voter.

14 (~~((2))~~) (3) The county auditor shall initiate his or her inquiry by
15 sending, by first-class mail, a written notice to the challenged voter
16 at the address indicated on the voter's permanent registration record
17 and to any other address at which the county auditor could reasonably
18 expect mail to be received by the voter. The county auditor shall not
19 request any restriction on the forwarding of such notice by the postal
20 service. The notice shall contain the nature of the inquiry and
21 provide a suitable form for reply. The notice shall also contain a
22 warning that the county auditor must receive a response within forty-
23 five days from the date of mailing or the individual's voter
24 registration will be canceled.

25 (~~((3))~~) (4) The voter, in person or in writing, may state that the
26 information on the permanent voter registration record is correct or
27 may request a change in the address information on the permanent
28 registration record no later than the forty-fifth day after the date of
29 mailing the inquiry.

1 (~~((4))~~) (5) Upon the timely receipt of a response signed by the
2 voter, the county auditor shall consider the inquiry satisfied and will
3 make any address corrections requested by the voter on the permanent
4 registration record. The county auditor shall cancel the registration
5 of a voter who fails to respond to the notice of inquiry within forty-
6 five days after the date of mailing.

7 (~~((5))~~) (6) The county auditor shall notify any voter whose
8 registration has been canceled by sending, by first class mail, a
9 written notice to the address indicated on the voter's permanent
10 registration record and to any other address to which the original
11 inquiry was sent. Upon receipt of a satisfactory voter response, the
12 auditor shall reinstate the voter.

13 (~~((6))~~) (7) A voter whose registration has been canceled under this
14 section and who offers to vote at the next ensuing election shall be
15 issued a questioned ballot. Upon receipt of such a questioned ballot
16 the auditor shall investigate the circumstances surrounding the
17 original cancellation. If he or she determines that the cancellation
18 was in error, the voter's registration shall be immediately reinstated,
19 and the voter's questioned ballot shall be counted. If the original
20 cancellation was not in error, the voter shall be afforded the
21 opportunity to reregister at his or her correct address, and the
22 voter's questioned ballot shall not be counted.

23 **Sec. 32.** RCW 29.13.060 and 1990 c 33 s 563 are each amended to
24 read as follows:

25 In (~~(class AA and class A counties)~~) each county with a population
26 of two hundred ten thousand or more, first class school districts
27 containing a city of the first class shall hold their elections
28 biennially as provided in RCW 29.13.020.

1 Except as provided in RCW 28A.315.460, the directors to be elected
2 shall be elected for terms of six years and until their successors are
3 elected and qualified and assume office in accordance with RCW
4 29.04.170.

5 **Sec. 33.** RCW 29.30.060 and 1990 c 59 s 12 are each amended to read
6 as follows:

7 Except in ~~((class AA counties))~~ each county with a population of
8 one million or more, on or before the fifteenth day before a primary or
9 election, the county auditor shall prepare a sample ballot which shall
10 be made readily available to members of the public. The secretary of
11 state shall adopt rules governing the preparation of sample ballots in
12 ~~((class AA))~~ counties with a population of one million or more. The
13 rules shall permit, among other alternatives, the preparation of more
14 than one sample ballot by a ~~((class AA))~~ county with a population of
15 one million or more for a primary or election, each of which lists a
16 portion of the offices and issues to be voted on in that county. The
17 position of precinct committee officer shall be shown on the sample
18 ballot for the general election, but the names of candidates for the
19 individual positions need not be shown.

20 **Sec. 34.** RCW 29.42.050 and 1987 c 295 s 14 are each amended to
21 read as follows:

22 The statutory requirements for filing as a candidate at the
23 primaries shall apply to candidates for precinct committee officer
24 except that the filing period for this office alone shall be extended
25 to and include the Friday immediately following the last day for
26 political parties to fill vacancies in the ticket as provided by RCW
27 29.18.150, and the office shall not be voted upon at the primaries, but
28 the names of all candidates must appear under the proper party and

1 office designations on the ballot for the general November election for
2 each even-numbered year and the one receiving the highest number of
3 votes shall be declared elected: PROVIDED, That to be declared
4 elected, a candidate must receive at least ten percent of the number of
5 votes cast for the candidate of the candidate's party receiving the
6 greatest number of votes in the precinct. Any person elected to the
7 office of precinct committee officer who has not filed a declaration of
8 candidacy shall pay the fee of one dollar to the county auditor for a
9 certificate of election. The term of office of precinct committee
10 officer shall be for two years, commencing upon completion of the
11 official canvass of votes by the county canvassing board of election
12 returns. Should any vacancy occur in this office by reason of death,
13 resignation, or disqualification of the incumbent, or because of
14 failure to elect, the respective county chair of the county central
15 committee shall be empowered to fill such vacancy by appointment:
16 PROVIDED, HOWEVER, That in legislative districts having a majority of
17 its precincts in a ((class-AA)) county with a population of one million
18 or more, such appointment shall be made only upon the recommendation of
19 the legislative district chair: PROVIDED, That the person so appointed
20 shall have the same qualifications as candidates when filing for
21 election to such office for such precinct: PROVIDED FURTHER, That when
22 a vacancy in the office of precinct committee officer exists because of
23 failure to elect at a state general election, such vacancy shall not be
24 filled until after the organization meeting of the county central
25 committee and the new county chair selected as provided by RCW
26 29.42.030.

27 **Sec. 35.** RCW 29.42.070 and 1987 c 295 s 15 are each amended to
28 read as follows:

1 Within forty-five days after the state-wide general election in
2 even-numbered years, or within thirty days following July 30, 1967, for
3 the biennium ending with the 1968 general elections, the county chair
4 of each major political party shall call separate meetings of all
5 elected precinct committee officers in each legislative district a
6 majority of the precincts of which are within a ~~((class-AA))~~ county
7 with a population of one million or more for the purpose of electing a
8 legislative district chair in such district. The district chair shall
9 hold office until the next legislative district reorganizational
10 meeting two years later, or until a successor is elected.

11 The legislative district chair can only be removed by the majority
12 vote of the elected precinct committee officers in the chair's
13 district.

14 **Sec. 36.** RCW 29.82.060 and 1965 c 9 s 29.82.060 are each amended
15 to read as follows:

16 When the person, committee, or organization demanding the recall of
17 a public officer has secured sufficient signatures upon the recall
18 petition ~~((he or it))~~ the person, committee, or organization may submit
19 the same to the officer with whom the charge was filed for filing in
20 his or her office. The number of signatures required shall be as
21 follows:

22 (1) In the case of a state officer, an officer of a city of the
23 first class, a member of a school board in a city of the first class,
24 or a county officer of a county ~~((of the first, second or third class))~~
25 with a population of forty thousand or more--signatures of legal voters
26 equal to twenty-five percent of the total number of votes cast for all
27 candidates for the office to which the officer whose recall is demanded
28 was elected at the preceding election.

(2) In the case of an officer of any political subdivision, city, town, township, precinct, or school district other than those mentioned in ~~((subdivision))~~ subsection (1) of this section, and in the case of a state senator or representative--signatures of legal voters equal to thirty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

Sec. 37. RCW 35.21.010 and 1965 c 138 s 1 are each amended to read as follows:

Municipal corporations now or hereafter organized are bodies politic and corporate under the name of the city of, or the town of, as the case may be, and as such may sue and be sued, contract or be contracted with, acquire, hold, possess and dispose of property, subject to the restrictions contained in other chapters of this title, having a common seal, and change or alter the same at pleasure, and exercise such other powers, and have such other privileges as are conferred by this title: PROVIDED, That not more than two square miles in area shall be included within the corporate limits of a ~~((municipal corporation of the fourth class))~~ town having a population of fifteen hundred or less, or located in ~~((class AA counties))~~ a county with a population of one million or more, and not more than three square miles in area shall be included within the corporate limits of a ~~((municipal corporation of the fourth class))~~ town having a population of more than fifteen hundred in ~~((counties other than class AA))~~ a county with a population of less than one million, nor shall more than twenty acres of unplatted land belonging to any one person be taken within the corporate limits of ~~((municipal corporations of the fourth class))~~ a town without the consent of the owner of such unplatted land: PROVIDED FURTHER, That the original

1 incorporation of ((~~municipal corporations of the fourth class~~)) a town
2 shall be limited to an area of not more than one square mile and a
3 population as prescribed in RCW 35.01.040.

4 **Sec. 38.** RCW 35.21.422 and 1967 ex.s. c 52 s 1 are each amended to
5 read as follows:

6 Any city, located within a ((~~class A~~)) county with a population of
7 two hundred ten thousand or more west of the Cascades, owning and
8 operating a public utility and having facilities for the distribution
9 of electricity located outside its city limits, may provide for the
10 support of cities, towns, counties and taxing districts in which such
11 facilities are located, and enter into contracts with such county
12 therefor. Such contribution shall be based upon the amount of retail
13 sales of electricity, other than to governmental agencies, made by such
14 city in the areas of such cities, towns, counties or taxing districts
15 in which such facilities are located, and shall be divided among them
16 on the same basis as taxes on real and personal property therein are
17 divided.

18 **Sec. 39.** RCW 35.58.040 and 1971 ex.s. c 303 s 3 are each amended
19 to read as follows:

20 At the time of its formation no metropolitan municipal corporation
21 shall include only a part of any city, and every city shall be either
22 wholly included or wholly excluded from the boundaries of such
23 corporation. If subsequent to the formation of a metropolitan
24 municipal corporation a part only of any city shall be included within
25 the boundaries of a metropolitan municipal corporation such part shall
26 be deemed to be "unincorporated" for the purpose of selecting a member
27 of the metropolitan council pursuant to RCW 35.58.120(3) and such city

1 shall neither select nor participate in the selection of a member on
2 the metropolitan council pursuant to RCW 35.58.120.

3 Any metropolitan municipal corporation now existing or hereafter
4 created, within a (~~class A county contiguous to a class AA county or~~
5 ~~class AA~~) county with a population of from two hundred ten thousand to
6 less than one million bordering a county with a population of one
7 million or more, or within a county with a population of one million or
8 more, shall, upon May 21, 1971, as to metropolitan corporations
9 existing on such date or upon the date of formation as to metropolitan
10 corporations formed after May 21, 1971, have the same boundaries as
11 those of the respective central county of such metropolitan
12 corporation: PROVIDED, That the boundaries of such metropolitan
13 corporation may be enlarged after such date by annexation as provided
14 in chapter 35.58 RCW as now or hereafter amended. Any contiguous
15 metropolitan municipal corporations may be consolidated into a single
16 metropolitan municipal corporation upon such terms, for the purpose of
17 performing such metropolitan function or functions, and to be effective
18 at such time as may be approved by resolutions of the respective
19 metropolitan councils. In the event of such consolidation the
20 component city with the largest population shall be the central city of
21 such consolidated metropolitan municipal corporation and the component
22 county with the largest population shall be the central county of such
23 consolidated metropolitan municipal corporation.

24 **Sec. 40.** RCW 35.58.273 and 1990 c 42 s 316 are each amended to
25 read as follows:

26 (1) Through June 30, 1992, any municipality (~~(within a class AA~~
27 ~~county, or within a class A county contiguous to a class AA county, or~~
28 ~~within a second class county contiguous to a class A county that is~~
29 ~~contiguous to a class AA county))~~, as defined in this subsection, is

1 authorized to levy and collect a special excise tax not exceeding .7824
2 percent and beginning July 1, 1992, .725 percent on the fair market
3 value of every motor vehicle owned by a resident of such municipality
4 for the privilege of using such motor vehicle provided that in no event
5 shall the tax be less than one dollar and, subject to RCW 82.44.150
6 ~~((5) and (6))~~ (3) and (4), the amount of such tax shall be credited
7 against the amount of the excise tax levied by the state under RCW
8 82.44.020. As used in this subsection, the term "municipality" means
9 a municipality that is located within one of the following counties:
10 (a) A county with a population of one million or more; (b) a county
11 with a population of from two hundred ten thousand to less than one
12 million bordering a county with a population of one million or more; or
13 (c) a county with a population of from one hundred twenty-five thousand
14 to less than two hundred ten thousand, that both borders a county with
15 a population as described under (b) of this subsection and has a
16 portion of its common boundary with that county intersected by an
17 interstate highway.

18 (2) Through June 30, 1992, any other municipality is authorized to
19 levy and collect a special excise tax not exceeding .815 percent, and
20 beginning July 1, 1992, .725 percent on the fair market value of every
21 motor vehicle owned by a resident of such municipality for the
22 privilege of using such motor vehicle provided that in no event shall
23 the tax be less than one dollar and, subject to RCW 82.44.150(3) and
24 (4), the amount of such tax shall be credited against the amount of the
25 excise tax levied by the state under RCW 82.44.020. Before utilization
26 of any excise tax moneys collected under authorization of this section
27 for acquisition of right of way or construction of a mass transit
28 facility on a separate right of way the municipality shall adopt rules
29 affording the public an opportunity for "corridor public hearings" and
30 "design public hearings" as herein defined, which rule shall provide in

1 detail the procedures necessary for public participation in the
2 following instances: (a) Prior to adoption of location and design
3 plans having a substantial social, economic or environmental effect
4 upon the locality upon which they are to be constructed or (b) on such
5 mass rapid transit systems operating on a separate right of way
6 whenever a substantial change is proposed relating to location or
7 design in the adopted plan. In adopting rules the municipality shall
8 adhere to the provisions of the Administrative Procedure Act.

9 (3) A "corridor public hearing" is a public hearing that: (a) Is
10 held before the municipality is committed to a specific mass transit
11 route proposal, and before a route location is established; (b) is held
12 to afford an opportunity for participation by those interested in the
13 determination of the need for, and the location of, the mass rapid
14 transit system; (c) provides a public forum that affords a full
15 opportunity for presenting views on the mass rapid transit system route
16 location, and the social, economic and environmental effects on that
17 location and alternate locations: PROVIDED, That such hearing shall
18 not be deemed to be necessary before adoption of an overall mass rapid
19 transit system plan by a vote of the electorate of the municipality.

20 (4) A "design public hearing" is a public hearing that: (a) Is
21 held after the location is established but before the design is
22 adopted; and (b) is held to afford an opportunity for participation by
23 those interested in the determination of major design features of the
24 mass rapid transit system; and (c) provides a public forum to afford a
25 full opportunity for presenting views on the mass rapid transit system
26 design, and the social, economic, environmental effects of that design
27 and alternate designs.

28 **Sec. 41.** RCW 35.81.010 and 1975 c 3 s 1 are each amended to read
29 as follows:

1 The following terms wherever used or referred to in this chapter,
2 shall have the following meanings, unless a different meaning is
3 clearly indicated by the context:

4 (1) "Agency" or "urban renewal agency" shall mean a public agency
5 created by RCW 35.81.160.

6 (2) "Blighted area" shall mean an area which, by reason of the
7 substantial physical dilapidation, deterioration, defective
8 construction, material, and arrangement and/or age or obsolescence of
9 buildings or improvements, whether residential or nonresidential,
10 inadequate provision for ventilation, light, proper sanitary
11 facilities, or open spaces as determined by competent appraisers on the
12 basis of an examination of the building standards of the municipality;
13 inappropriate or mixed uses of land or buildings; high density of
14 population and overcrowding; defective or inadequate street layout;
15 faulty lot layout in relation to size, adequacy, accessibility or
16 usefulness; excessive land coverage; insanitary or unsafe conditions;
17 deterioration of site; diversity of ownership; tax or special
18 assessment delinquency exceeding the fair value of the land; defective
19 or unusual conditions of title; improper subdivision or obsolete
20 platting; or the existence of conditions which endanger life or
21 property by fire or other causes, or any combination of such factors,
22 is conducive to ill health, transmission of disease, infant mortality,
23 juvenile delinquency and crime; substantially impairs or arrests the
24 sound growth of the city or its environs, retards the provision of
25 housing accommodations or constitutes an economic or social liability,
26 and/or is detrimental, or constitutes a menace, to the public health,
27 safety, welfare, and morals in its present condition and use.

28 (3) "Bonds" shall mean any bonds, notes, or debentures (including
29 refunding obligations) herein authorized to be issued.

(4) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(5) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(6) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.

(7) "Mayor" shall mean the chief executive of a city((~~7~~)) or town, or ((class AA county or the board of commissioners)) the elected executive, if any, of any county operating under a charter, or the county legislative authority of any other county.

(8) "Municipality" shall mean any incorporated city or town, or any county, in the state.

(9) "Obligee" shall include any bondholder, agent or trustees for any bondholders, or lessor demising to the municipality property used in connection with an urban renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(10) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or school district; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(11) "Public body" shall mean the state or any municipality, township, board, commission, district, or any other subdivision or public body of the state.

(12) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating

1 to health, fire, building regulations, or to other activities
2 concerning dwellings in the municipality.

3 (13) "Real property" shall include all lands, including
4 improvements and fixtures thereon, and property of any nature
5 appurtenant thereto, or used in connection therewith, and every estate,
6 interest, right and use, legal or equitable, therein, including terms
7 for years and liens by way of judgment, mortgage or otherwise.

8 (14) "Redevelopment" may include (a) acquisition of a blighted area
9 or portion thereof; (b) demolition and removal of buildings and
10 improvements; (c) installation, construction or reconstruction of
11 streets, utilities, parks, playgrounds, and other improvements
12 necessary for carrying out in the area the urban renewal provisions of
13 this chapter in accordance with the urban renewal plan, and (d) making
14 the land available for development or redevelopment by private
15 enterprise or public agencies (including sale, initial leasing, or
16 retention by the municipality itself) at its fair value for uses in
17 accordance with the urban renewal plan.

18 (15) "Rehabilitation" may include the restoration and renewal of a
19 blighted area or portion thereof, in accordance with an urban renewal
20 plan, by (a) carrying out plans for a program of voluntary or
21 compulsory repair and rehabilitation of buildings or other
22 improvements; (b) acquisition of real property and demolition or
23 removal of buildings and improvements thereon where necessary to
24 eliminate unhealthful, insanitary or unsafe conditions, lessen density,
25 reduce traffic hazards, eliminate obsolete or other uses detrimental to
26 the public welfare, or otherwise to remove or prevent the spread of
27 blight or deterioration, or to provide land for needed public
28 facilities; (c) installation, construction or reconstruction of
29 streets, utilities, parks, playgrounds, and other improvements
30 necessary for carrying out in the area the urban renewal provisions of

1 this chapter; and (d) the disposition of any property acquired in such
2 urban renewal area (including sale, initial leasing, or retention by
3 the municipality itself) at its fair value for uses in accordance with
4 such urban renewal plan.

5 (16) "Urban renewal area" means a blighted area which the local
6 governing body designates as appropriate for an urban renewal project
7 or projects.

8 (17) "Urban renewal plan" means a plan, as it exists from time to
9 time, for an urban renewal project, which plan (a) shall conform to the
10 comprehensive plan or parts thereof for the municipality as a whole;
11 and (b) shall be sufficiently complete to indicate such land
12 acquisition, demolition, and removal of structures, redevelopment,
13 improvements, and rehabilitation as may be proposed to be carried out
14 in the urban renewal area, zoning and planning changes, if any, land
15 uses, maximum densities, building requirements, and the plan's
16 relationship to definite local objectives respecting appropriate land
17 uses, improved traffic, public transportation, public utilities,
18 recreational and community facilities, and other public improvements.

19 (18) "Urban renewal project" may include undertakings or activities
20 of a municipality in an urban renewal area for the elimination and for
21 the prevention of the development or spread of blight, and may involve
22 redevelopment in an urban renewal area, or rehabilitation in an urban
23 renewal area, or any combination or part thereof in accordance with an
24 urban renewal plan.

26 ***Sec. 42. RCW 35.82.285 and 1973 1st ex.s. c 198 s 2 are each**
27 **amended to read as follows:**

28 ***Housing authorities of ((first class counties created under this***
29 ***chapter)) each county with a population of one hundred twenty-five***
30 ***thousand or more may establish and operate group homes or halfway***

1 *houses to serve juveniles released from state juvenile or correctional*
2 *institutions, or to serve the developmentally disabled as defined in 42*
3 *U.S.C. 2670, 85 Stat. 1316. Such authorities may contract for the*
4 *operation of facilities so established, with qualified nonprofit*
5 *organizations as agent of the authority.*

6 *Action under this section shall be taken by the authority only*
7 *after a public hearing as provided by chapter 42.30 RCW. In exercising*
8 *this power the authority shall not be empowered to acquire property by*
9 *eminent domain, and the facilities established shall comply with all*
10 *zoning, building, fire, and health regulations and procedures*
11 *applicable in the locality.*

12 *Sec. 42 was vetoed, see message at end of chapter.

13 **Sec. 43.** RCW 36.01.130 and 1981 c 75 s 2 are each amended to read
14 as follows:

15 The imposition of controls on rent is of state-wide significance
16 and is preempted by the state. No county (~~of any class~~) may enact,
17 maintain or enforce ordinances or other provisions which regulate the
18 amount of rent to be charged for single family or multiple unit
19 residential rental structures or sites other than properties in public
20 ownership, under public management, or properties providing low-income
21 rental housing under joint public-private agreements for the financing
22 or provision of such low-income rental housing. This section shall not
23 be construed as prohibiting any county from entering into agreements
24 with private persons which regulate or control the amount of rent to be
25 charged for rental properties.

26 **Sec. 44.** RCW 36.13.020 and 1977 ex.s. c 110 s 6 are each amended
27 to read as follows:

1 (~~((Whenever))~~) The legislative authority of any county (~~((determines~~
2 ~~that its county has sufficient population to entitle it to advance to~~
3 ~~a higher class, and passes a resolution setting forth its estimate as~~
4 ~~to the population and the classification to which the county is~~
5 ~~entitled by reason of such estimated population it))~~) may order a county
6 census to be taken of all the inhabitants of the county. The expense
7 of such census enumeration shall be paid from the county current
8 expense fund.

9 **Sec. 45.** RCW 36.13.100 and 1963 c 4 s 36.13.100 are each amended
10 to read as follows:

11 Whenever any provision of law refers to the population of a county
12 for purposes of distributing funds (~~((are allocated to counties on the~~
13 ~~basis of population))~~) or for any other purpose, the population of the
14 respective counties shall be determined by the most recent census,
15 population estimate (~~((or survey by the federal bureau of census or any~~
16 ~~state board or commission authorized to make such a census, estimate or~~
17 ~~survey. If a maximum percent of error is shown on any such survey or~~
18 ~~estimate, the population of the county shall be computed by deducting~~
19 ~~from the estimate fifty percent of the maximum possible error))~~) by the
20 office of financial management, or special county census as certified
21 by the office of financial management.

22 **Sec. 46.** RCW 36.16.030 and 1963 c 4 s 36.16.030 are each amended
23 to read as follows:

24 In every county there shall be elected from among the qualified
25 voters of the county a county assessor, a county auditor, a county
26 clerk, a county coroner, three county commissioners, a county
27 prosecuting attorney, a county sheriff and a county treasurer(~~((÷~~
28 ~~PROVIDED, That in counties of the fourth, fifth, sixth, seventh,~~

~~eight, and ninth classes)), except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner((:—PROVIDED FURTHER, That in ninth class counties no county auditor or assessor shall be elected and the county clerk shall be ex officio county auditor, and the county treasurer shall be ex officio county assessor)). Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29.04.170. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner.~~

Sec. 47. RCW 36.16.030 and 1990 c 252 s 8 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer((:—PROVIDED, That in counties of the fourth, fifth, sixth, seventh, eighth, and ninth classes)), except that in each

1 county with a population of less than forty thousand no coroner shall
2 be elected and the prosecuting attorney shall be ex officio coroner((÷
3 ~~PROVIDED FURTHER, That in ninth class counties no county auditor or~~
4 ~~assessor shall be elected and the county clerk shall be ex officio~~
5 ~~county auditor, and the county treasurer shall be ex officio county~~
6 ~~assessor))~~. Whenever the population of a county increases to forty
7 thousand or more, the prosecuting attorney shall continue as ex officio
8 coroner until a coroner is elected, at the next general election at
9 which the office of prosecuting attorney normally would be elected, and
10 assumes office as provided in RCW 29.04.170. In any county where the
11 population has once attained forty thousand people and a current
12 coroner is in office and a subsequent census indicates less than forty
13 thousand people, the county legislative authority may maintain the
14 office of coroner by resolution or ordinance. If the county
15 legislative authority has not passed a resolution or enacted an
16 ordinance to maintain the office of coroner, the elected coroner shall
17 remain in office for the remainder of the term for which he or she was
18 elected, but no coroner shall be elected at the next election at which
19 that office would otherwise be filled and the prosecuting attorney
20 shall be the ex officio coroner. A noncharter county may have five
21 county commissioners as provided in RCW 36.32.010 and 36.32.055 through
22 36.32.0558.

23 **Sec. 48.** RCW 36.16.032 and 1973 1st ex.s. c 88 s 1 are each
24 amended to read as follows:

25 The office of county auditor may be combined with the office of
26 county clerk in ~~((counties of the eighth class))~~ each county with a
27 population of less than five thousand by unanimous resolution of the
28 ~~((board of))~~ county ~~((commissioners))~~ legislative authority passed
29 thirty days or more prior to the first day of filing for the primary

1 election for county offices. The salary of such office of county clerk
2 combined with the office of county auditor (~~((shall be nine thousand~~
3 ~~four hundred dollars.~~

4 ~~Beginning January 1, 1974, the salary of such office)), and the~~
5 salary of the office of county auditor that is not combined with the
6 office of county clerk, shall be not less than ten thousand three
7 hundred dollars. The county legislative authority of such county is
8 authorized to increase or decrease the salary of such office:
9 PROVIDED, That the legislative authority of the county shall not reduce
10 the salary of any official below the amount which such official was
11 receiving on January 1, 1973.

12 **Sec. 49.** RCW 36.16.050 and 1971 c 71 s 1 are each amended to read
13 as follows:

14 Every county official before he or she enters upon the duties of
15 his or her office shall furnish a bond conditioned that he or she will
16 faithfully perform the duties of his or her office and account for and
17 pay over all money which may come into his or her hands by virtue of
18 his or her office, and that he or she, or his or her executors or
19 administrators, will deliver to his or her successor safe and undefaced
20 all books, records, papers, seals, equipment, and furniture belonging
21 to his or her office. Bonds of elective county officers shall be as
22 follows:

23 (1) Assessor: Amount to be fixed and sureties to be approved by
24 proper county legislative authority;

25 (2) Auditor: Amount to be fixed at not less than ten thousand
26 dollars and sureties to be approved by the proper county legislative
27 authority;

28 (3) Clerk: Amount to be fixed in a penal sum not less than double
29 the amount of money liable to come into his or her hands and sureties

1 to be approved by the judge or a majority of the judges presiding over
2 the court of which he or she is clerk: PROVIDED, That the maximum bond
3 fixed for the clerk shall not exceed in amount that required for the
4 treasurer in a county of that class;

5 (4) Coroner: Amount to be fixed at not less than five thousand
6 dollars with sureties to be approved by the proper county legislative
7 authority;

8 (5) Members of the proper county legislative authority: Sureties to
9 be approved by the county clerk and the amounts to be:

10 ((1)) (a) In ((~~class A, AA, counties and first class counties~~))
11 each county with a population of one hundred twenty-five thousand or
12 more, twenty-five thousand dollars;

13 ((2)) (b) In ((~~second class counties~~)) each county with a
14 population of from seventy thousand to less than one hundred twenty-
15 five thousand, twenty-two thousand five hundred dollars;

16 ((3)) (c) In ((~~third class counties~~)) each county with a
17 population of from forty to less than seventy thousand, twenty thousand
18 dollars;

19 ((4)) (d) In ((~~fourth class counties~~)) each county with a
20 population of from eighteen thousand to less than forty thousand,
21 fifteen thousand dollars;

22 ((5)) (e) In ((~~fifth class counties~~)) each county with a
23 population of from twelve thousand to less than eighteen thousand, ten
24 thousand dollars;

25 ((6)) (f) In ((~~sixth class counties~~)) each county with a
26 population of from eight thousand to less than twelve thousand, seven
27 thousand five hundred dollars;

28 ((7)) (g) In ((~~seventh and eighth class~~)) all other counties,
29 five thousand dollars;

30 ((8) ~~In ninth class counties, two thousand dollars;~~))

1 (6) Prosecuting attorney: In the amount of five thousand dollars
2 with sureties to be approved by the proper county legislative
3 authority;

4 (7) Sheriff: Amount to be fixed and bond approved by the proper
5 county legislative authority at not less than five thousand nor more
6 than fifty thousand dollars; surety to be a surety company authorized
7 to do business in this state;

8 (8) Treasurer: Sureties to be approved by the proper county
9 legislative authority and the amounts to be fixed by the proper county
10 legislative authority at double the amount liable to come into the
11 treasurer's hands during his or her term, the maximum amount of the
12 bond, however, not to exceed:

13 ((1)) (a) In (~~class A, AA, counties~~) each county with a
14 population of two hundred ten thousand or more, two hundred fifty
15 thousand dollars;

16 ((2)) (b) In (~~first class counties~~) each county with a
17 population of from one hundred twenty-five thousand to less than two
18 hundred ten thousand, two hundred thousand dollars;

19 ((3)) (c) In (~~second, third and fourth class counties~~) each
20 county with a population of from eighteen thousand to less than one
21 hundred twenty-five thousand, one hundred fifty thousand dollars;

22 ((4)) (d) In all other counties, one hundred thousand dollars.

23 The treasurer's bond shall be conditioned that all moneys received
24 by him or her for the use of the county shall be paid as the proper
25 county legislative authority shall from time to time direct, except
26 where special provision is made by law for the payment of such moneys,
27 by order of any court, or otherwise, and for the faithful discharge of
28 his or her duties.

1 Bonds for other than elective officials, if deemed necessary by the
2 proper county legislative authority, shall be in such amount and form
3 as such legislative authority shall determine.

4 In the approval of official bonds, the ~~((chairman))~~ chair may act
5 for the ~~((board of))~~ county ~~((commissioners))~~ legislative authority if
6 it is not in session.

7 **Sec. 50.** RCW 36.16.140 and 1965 ex.s. c 23 s 6 are each amended to
8 read as follows:

9 Public auction sales of property conducted by or for the county or
10 an officer thereof shall be held at such places ~~((on county property as
11 the board of county commissioners))~~ as the county legislative authority
12 may direct.

13 **Sec. 51.** RCW 36.17.010 and 1963 c 4 s 36.17.010 are each amended
14 to read as follows:

15 The county officers of the counties of this state ~~((, according to
16 their class,))~~ shall receive a salary for the services required of them
17 by law, or by virtue of their office, which salary shall be full
18 compensation for all services of every kind and description rendered by
19 them.

20 **Sec. 52.** RCW 36.17.020 and 1973 1st ex.s. c 88 s 2 are each
21 amended to read as follows:

22 ~~((1) The salaries of the following county officers of class A
23 counties and counties of the first, second, third, fourth, fifth,
24 sixth, seventh, eighth and ninth classes, as determined by the last
25 preceding federal census, or as may be determined under the provisions
26 of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum
27 respectively as follows:~~

1 Class A counties:— Auditor, sixteen thousand dollars; clerk,
2 sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff,
3 seventeen thousand seven hundred dollars; assessor, sixteen thousand
4 dollars; prosecuting attorney, twenty-two thousand five hundred
5 dollars; members of board of county commissioners, seventeen thousand
6 seven hundred dollars; coroner, fifteen thousand dollars;

7 Counties of the first class:— Auditor, fourteen thousand five
8 hundred dollars; clerk, fourteen thousand five hundred dollars;
9 treasurer, fourteen thousand five hundred dollars; sheriff, sixteen
10 thousand dollars; assessor, fourteen thousand five hundred dollars;
11 prosecuting attorney, twenty-two thousand five hundred dollars;
12 members of board of county commissioners, sixteen thousand dollars;
13 coroner, eight thousand dollars;

14 Counties of the second class: Auditor, thirteen thousand five
15 hundred dollars; clerk, thirteen thousand five hundred dollars;
16 treasurer, thirteen thousand five hundred dollars; sheriff, thirteen
17 thousand five hundred fifty dollars; assessor, thirteen thousand five
18 hundred dollars; prosecuting attorney, twenty-one thousand five hundred
19 dollars; members of board of county commissioners, thirteen thousand
20 five hundred dollars; coroner, five thousand dollars;

21 Counties of the third class: Auditor, twelve thousand five hundred
22 dollars; clerk, twelve thousand five hundred dollars; treasurer, twelve
23 thousand five hundred dollars; assessor, twelve thousand five hundred
24 dollars; sheriff, twelve thousand five hundred dollars; prosecuting
25 attorney, twenty-one thousand five hundred dollars; members of the
26 board of county commissioners, twelve thousand five hundred dollars;
27 coroner, three thousand six hundred dollars;

28 Counties of the fourth class:— Auditor, eleven thousand dollars;
29 clerk, eleven thousand dollars; treasurer, eleven thousand dollars;
30 assessor, eleven thousand dollars; sheriff, eleven thousand dollars;

1 prosecuting attorney, in such a county in which there is no state
2 university, thirteen thousand dollars; prosecuting attorney, in such a
3 county in which there is a state university or college, fifteen
4 thousand dollars; members of the board of county commissioners, ten
5 thousand dollars;

6 Counties of the fifth class: Auditor, nine thousand one hundred
7 fifty dollars; clerk, nine thousand one hundred fifty dollars;
8 treasurer, nine thousand one hundred fifty dollars; sheriff, ten
9 thousand two hundred dollars; assessor, nine thousand one hundred fifty
10 dollars; prosecuting attorney, twelve thousand dollars; members of the
11 board of county commissioners, eight thousand five hundred dollars;

12 Counties of the sixth class: Auditor, nine thousand one hundred
13 fifty dollars; clerk, nine thousand one hundred fifty dollars;
14 treasurer, nine thousand one hundred fifty dollars; assessor, nine
15 thousand one hundred fifty dollars; sheriff, ten thousand two hundred
16 dollars; prosecuting attorney, nine thousand dollars; members of the
17 board of county commissioners, six thousand four hundred dollars;

18 Counties of the seventh class: Auditor, eight thousand three
19 hundred dollars; clerk, eight thousand three hundred dollars;
20 treasurer, eight thousand three hundred dollars; assessor, eight
21 thousand three hundred dollars; sheriff, nine thousand five hundred
22 dollars; prosecuting attorney, nine thousand dollars; members of the
23 board of county commissioners, five thousand nine hundred fifty
24 dollars;

25 Counties of the eighth class: Auditor, eight thousand three
26 hundred dollars; clerk, eight thousand three hundred dollars;
27 treasurer, eight thousand three hundred dollars; assessor, eight
28 thousand three hundred dollars; sheriff, nine thousand five hundred
29 dollars; prosecuting attorney, nine thousand dollars; members of board
30 of county commissioners, five thousand nine hundred fifty dollars;

Counties of the ninth class: Auditor-clerk, seven thousand four hundred fifty dollars; sheriff, eight thousand five hundred dollars; treasurer-assessor, seven thousand four hundred fifty dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, five thousand five hundred dollars.

(2) The salaries of the following county officers in counties with a population over five hundred thousand shall be per annum respectively as follows:))

The county legislative authority of each county is authorized to establish the salaries of the elected officials of the county. One-half of the salary of each prosecuting attorney shall be paid by the state. The annual salary of a county elected official shall not be less than the following:

(1) In each county with a population of one million or more: Auditor, clerk, treasurer, sheriff, members of ((board of)) the county ((commissioners, coroners)) legislative authority, and coroner, eighteen thousand dollars; assessor, nineteen thousand dollars; and prosecuting attorney, ((twenty-seven thousand five hundred dollars.

Beginning January 1, 1974:

~~The salaries of the following county officers of class AA and A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:~~

~~Class AA counties: Prosecuting attorney,)) thirty thousand three hundred dollars;~~

~~((Class A counties)) (2) In each county with a population of from two hundred ten thousand to less than one million: Auditor, seventeen thousand six hundred dollars; clerk, seventeen thousand six hundred~~

dollars; treasurer, seventeen thousand six hundred dollars; sheriff, nineteen thousand five hundred dollars; assessor, seventeen thousand six hundred dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of ~~((board of))~~ the county ((commissioners)) legislative authority, nineteen thousand five hundred dollars; and coroner, sixteen thousand five hundred dollars;

~~((Counties of the first class))~~ (3) In each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand six hundred dollars; assessor, sixteen thousand dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of ~~((board of))~~ the county ((commissioners)) legislative authority, seventeen thousand six hundred dollars; and coroner, eight thousand eight hundred dollars;

~~((Counties of the second class))~~ (4) In each county with a population of from seventy thousand to less than one hundred twenty-five thousand: Auditor, fourteen thousand nine hundred dollars; clerk, fourteen thousand nine hundred dollars; treasurer, fourteen thousand nine hundred dollars; assessor, fourteen thousand nine hundred dollars; sheriff, fourteen thousand nine hundred dollars; prosecuting attorney, twenty-three thousand seven hundred dollars; members of the ~~((board of))~~ county ((commissioners)) legislative authority, fourteen thousand nine hundred dollars; and coroner, five thousand five hundred dollars;

~~((Counties of the third class))~~ (5) In each county with a population of from forty thousand to less than seventy thousand: Auditor, thirteen thousand eight hundred dollars; clerk, thirteen thousand eight hundred dollars; treasurer, thirteen thousand eight hundred dollars; assessor, thirteen thousand eight hundred dollars; sheriff, thirteen thousand eight hundred dollars; prosecuting attorney,

1 twenty-three thousand seven hundred dollars; members of the (~~board~~
2 ~~of~~) county (~~commissioners~~) legislative authority, thirteen thousand
3 eight hundred dollars; and coroner, four thousand dollars;

4 (~~Counties of the fourth class~~) (6) In each county with a
5 population of from eighteen thousand to less than forty thousand:
6 Auditor, twelve thousand one hundred dollars; clerk, twelve thousand
7 one hundred dollars; treasurer, twelve thousand one hundred dollars;
8 sheriff, twelve thousand one hundred dollars; assessor, twelve thousand
9 one hundred dollars; prosecuting attorney in such a county in which
10 there is no state university or college, fourteen thousand three
11 hundred dollars; in such a county in which there is a state university
12 or college, sixteen thousand five hundred dollars; and members of the
13 (~~board of~~) county (~~commissioners~~) legislative authority, eleven
14 thousand dollars;

15 (~~Counties of the fifth class~~) (7) In each county with a
16 population of from twelve thousand to less than eighteen thousand:
17 Auditor, ten thousand one hundred dollars; clerk, ten thousand one
18 hundred dollars; treasurer, ten thousand one hundred dollars; assessor,
19 ten thousand one hundred dollars; sheriff, eleven thousand two hundred
20 dollars; prosecuting attorney, thirteen thousand two hundred dollars;
21 and members of the (~~board of~~) county (~~commissioners~~) legislative
22 authority, nine thousand four hundred dollars;

23 (~~Counties of the sixth class~~) (8) In each county with a
24 population of from eight thousand to less than twelve thousand:
25 Auditor, ten thousand one hundred dollars; clerk, ten thousand one
26 hundred dollars; treasurer, ten thousand one hundred dollars; assessor,
27 ten thousand one hundred dollars; sheriff, eleven thousand two hundred
28 dollars; prosecuting attorney, nine thousand nine hundred dollars; and
29 members of the (~~board of~~) county (~~commissioners~~) legislative
30 authority, seven thousand dollars;

~~((Counties of the seventh class))~~ (9) In each county with a population of from five thousand to less than eight thousand: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; assessor, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; and members of ((board of)) the county ((commissioners)) legislative authority, six thousand five hundred dollars;

~~((Counties of the eighth class))~~ (10) In each other county: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; assessor, nine thousand one hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; and members of the ((board of)) county ((commissioners)) legislative authority, six thousand five hundred dollars(;

~~Counties of the ninth class: Auditor-clerk, eight thousand two hundred dollars; treasurer-assessor, eight thousand two hundred dollars; sheriff, nine thousand four hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; members of the board of county commissioners, six thousand one hundred dollars.~~

~~The county legislative authority of such county is authorized to increase or decrease the salary of such office: PROVIDED, That the legislative authority of the county shall not reduce the salary of any official below the amount which such official was receiving on January 1, 1973.~~

~~One-half of the salary of each prosecuting attorney shall be paid by the state)).~~

Sec. 53. RCW 36.17.040 and 1988 c 281 s 9 are each amended to read as follows:

1 The salaries of county officers and employees of counties other
2 than counties ((~~of the eighth and ninth classes~~)) with a population of
3 less than five thousand may be paid twice monthly out of the county
4 treasury, and the county auditor, for services rendered from the first
5 to the fifteenth day, inclusive, may, not later than the last day of
6 the month, draw a warrant upon the county treasurer in favor of each of
7 such officers and employees for the amount of salary due him or her,
8 and such auditor, for services rendered from the sixteenth to the last
9 day, inclusive, may similarly draw a warrant, not later than the
10 fifteenth day of the following month, and the county legislative
11 authority, with the concurrence of the county auditor, may enter an
12 order on the record journal empowering him or her so to do: PROVIDED,
13 That if the county legislative authority does not adopt the semimonthly
14 pay plan, it, by resolution, shall designate the first pay period as a
15 draw day. Not more than forty percent of said earned monthly salary of
16 each such county officer or employee shall be paid to him or her on the
17 draw day and the payroll deductions of such officer or employee shall
18 not be deducted from the salary to be paid on the draw day. If
19 officers and employees are paid once a month, the draw day shall not be
20 later than the last day of each month. The balance of the earned
21 monthly salary of each such officer or employee shall be paid not later
22 than the fifteenth day of the following month.

23 In counties ((~~of eighth and ninth classes~~)) with a population of
24 less than five thousand salaries shall be paid monthly unless the
25 county legislative authority by resolution adopts the foregoing draw
26 day procedure.

27 **Sec. 54.** RCW 36.24.175 and 1969 ex.s. c 259 s 3 are each amended
28 to read as follows:

1 In (~~class AA, class A, first, second and third class counties~~)
2 each county with a population of forty thousand or more, no person
3 shall be qualified for the office of county coroner as provided for in
4 RCW 36.16.030 who is an owner or employee of any funeral home or
5 mortuary.

6 **Sec. 55.** RCW 36.27.060 and 1989 c 39 s 1 are each amended to read
7 as follows:

8 (1) The prosecuting (~~attorneys and their deputies of class four~~
9 ~~counties and counties with population larger than class four counties~~)
10 attorney, and deputy prosecuting attorneys, of each county with a
11 population of eighteen thousand or more shall serve full time and
12 except as otherwise provided for in this section shall not engage in
13 the private practice of law.

14 (2) Deputy prosecuting attorneys in (~~counties of the second class,~~
15 ~~third class, and fourth class~~) a county with a population of from
16 eighteen thousand to less than one hundred twenty-five thousand may
17 serve part time and engage in the private practice of law if the
18 (~~board of~~) county (~~commissioners~~) legislative authority so
19 provides.

20 (3) Except as provided in subsection (4) of this section, nothing
21 in this section prohibits a prosecuting attorney or deputy prosecuting
22 attorney in any county from:

23 (a) Performing legal services for himself or herself or his or her
24 immediate family; or

25 (b) Performing legal services of a charitable nature.

26 (4) The legal services identified in subsection (3) of this section
27 may not be performed if they would interfere with the duties of a
28 prosecuting attorney, or deputy prosecuting attorney and no services

1 that are performed shall be deemed within the scope of employment of a
2 prosecutor or deputy prosecutor.

3 NEW SECTION. **Sec. 56.** A new section is added to chapter 36.28A
4 RCW to read as follows:

5 The Washington association of sheriffs and police chiefs may, upon
6 request of a county's legislative authority, assist the county in
7 developing and implementing its local law and justice plan. In doing
8 so, the association shall consult with the office of financial
9 management and the department of corrections.

10 **Sec. 57.** RCW 36.32.240 and 1985 c 169 s 8 are each amended to read
11 as follows:

12 In any county the ~~((board of))~~ county ~~((commissioners))~~ legislative
13 authority may by resolution establish a county purchasing department
14 ~~((and thereafter such)).~~ The purchasing department shall contract on
15 a competitive basis for all public works, enter into leases on a
16 competitive basis, and purchase ~~((or lease on a competitive basis))~~ all
17 supplies, materials, and equipment, on a competitive basis, for all
18 departments of the county~~((, exclusive of the county hospital, pursuant~~
19 ~~to the provisions hereof and under such rules as the board shall by~~
20 ~~resolution adopt, except for such contracts and purchases as shall be~~
21 ~~made pursuant to RCW 36.77.065, 36.77.070 and 36.82.130, and except for~~
22 ~~such contracts and purchases for the printing of election ballots,~~
23 ~~voting machine labels and all other election material containing the~~
24 ~~names of candidates and ballot titles, and performance-based contracts~~
25 ~~as defined in RCW 39.35A.020(3), that are negotiated under chapter~~
26 ~~39.35A RCW: PROVIDED, That in all class AA or class A counties or in~~
27 ~~any county of the first class it shall be mandatory that a purchasing~~
28 ~~department be established))~~, except that the county purchasing

1 department is not required to make purchases for the county hospital,
2 or make purchases that are paid from the county road fund or equipment
3 rental and revolving fund.

4 **Sec. 58.** RCW 36.32.250 and 1989 c 431 s 57 and 1989 c 244 s 6 are
5 each reenacted and amended to read as follows:

6 No contract(~~((, lease, or purchase))~~) for public works may be entered
7 into by the county legislative authority or by any elected or appointed
8 officer of (~~((such))~~) the county until after bids have been submitted to
9 the county upon specifications therefor. Such specifications shall be
10 in writing and shall be filed with the clerk of the county legislative
11 authority for public inspection(~~((, and))~~). An advertisement ((thereof))
12 shall be published in the county official newspaper stating the time
13 and place where bids will be opened, the time after which bids will not
14 be received, the character of the work to be done, (~~((or))~~) the
15 materials((,)) and equipment((, or service)) to be ((purchased))
16 furnished, and that specifications therefor may be seen at the office
17 of the clerk of the county legislative authority(~~((, shall be published~~
18 ~~in the county official newspaper: PROVIDED, That advertisements for~~
19 ~~public works contracts for construction, alteration, repair, or~~
20 ~~improvement of public facilities))~~). An advertisement shall also be
21 ((additionally)) published in a legal newspaper of general circulation
22 in or as near as possible to that part of the county in which such work
23 is to be done((: AND PROVIDED FURTHER, That)). If the county official
24 newspaper is a newspaper of general circulation covering at least forty
25 percent of the residences in that part of the county in which such
26 public works are to be done, then the publication of an advertisement
27 of the applicable specifications in the county official newspaper
28 ((only)) shall be sufficient. Such advertisements shall be published
29 at least once ((in each week for two consecutive weeks)) at least ten

1 days prior to the last date upon which bids will be received (~~and as~~
2 ~~many additional publications as shall be determined by the county~~
3 ~~legislative authority~~)). The bids shall be in writing, shall be filed
4 with the clerk, shall be opened and read in public at the time and
5 place named therefor in (~~said~~) the advertisements, and after being
6 opened, shall be filed for public inspection. No bid may be considered
7 for public work unless it is accompanied by a bid deposit in the form
8 of a surety bond, postal money order, cash, cashier's check, or
9 certified check in an amount equal to five percent of the amount of the
10 bid proposed. The contract for the public work(~~(, lease, or purchase)~~)
11 shall be awarded to the lowest responsible bidder(~~(, taking into~~
12 ~~consideration the quality of the articles or equipment to be purchased~~
13 ~~or leased)~~)). Any or all bids may be rejected for good cause. The
14 county legislative authority shall require from the successful bidder
15 for such public work a contractor's bond in the amount and with the
16 conditions imposed by law. If the bidder to whom the contract is
17 awarded fails to enter into the contract and furnish the contractor's
18 bond as required within ten days after notice of the award, exclusive
19 of the day of notice, the amount of the bid deposit shall be forfeited
20 to the county and the contract awarded to the next lowest and best
21 bidder. The bid deposit of all unsuccessful bidders shall be returned
22 after the contract is awarded and the required contractor's bond given
23 by the successful bidder is accepted by the county legislative
24 authority. In the letting of any contract(~~(, lease, or purchase)~~)
25 involving less than ten thousand dollars, advertisement and competitive
26 bidding may be dispensed with on order of the county legislative
27 authority. (~~Notice of intention to let contracts or to enter into~~
28 ~~lease agreements involving amounts exceeding one thousand dollars but~~
29 ~~less than ten thousand dollars, shall be posted by the county~~
30 ~~legislative authority on a bulletin board in its office not less than~~

~~three days prior to making such lease or contract. For advertisement and competitive bidding to be dispensed with as to purchases between one thousand and ten thousand dollars, the county legislative authority must authorize by resolution a county procedure for securing telephone or written quotations, or both, from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment, or services to the lowest responsible bidder. The procedure shall include the annual establishment of an array of general categories in which such contracts, leases, or purchases are anticipated. A roster shall be developed for each category, consisting of all potential bidders who have requested to be included on the roster. The county shall invite proposals from all vendors listed on the appropriate roster for each purchase between one thousand and ten thousand dollars.)) Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. ((Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible, and may be purchased and stored for general use by all of the various departments which shall be charged for the supplies when withdrawn from the purchasing department.))~~

For advertisement and competitive bidding to be dispensed with as to public works projects with an estimated value of one hundred thousand dollars or less, a county must use a small works roster process as provided in section 109 of this act.

This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

1 (~~Nothing in this section shall prohibit the legislative authority~~
2 ~~of any county from allowing for preferential purchase of products made~~
3 ~~from recycled materials or products that may be recycled or reused.~~))

4 **Sec. 59.** RCW 36.32.350 and 1973 1st ex.s. c 195 s 30 are each
5 amended to read as follows:

6 County (~~commissioners~~) legislative authorities may designate the
7 Washington state association of counties as a coordinating agency in
8 the execution of duties imposed by RCW 36.32.335 through 36.32.360 and
9 reimburse the association from county current expense funds in the
10 county (~~commissioners'~~) legislative authority's budget for the costs
11 of any such services rendered(~~(: PROVIDED, That the total of such~~
12 ~~reimbursements from any county in any calendar year shall not exceed a~~
13 ~~sum equal to the amount which would be raised by a levy of one-half of~~
14 ~~one-cent per thousand dollars of assessed value against the taxable~~
15 ~~property of the county))~~. Such reimbursement shall be paid on vouchers
16 submitted to the county auditor and approved by the (~~board of county~~
17 ~~commissioners~~) county legislative authority in the manner provided for
18 the disbursement of other current expense funds and the vouchers shall
19 set forth the nature of the service rendered, supported by affidavit
20 that the service has actually been performed.

22 ***NEW SECTION.** **Sec. 60.** *A new section is added to chapter 36.32 RCW*
23 *to read as follows:*

24 *Each county that plans and zones must authorize the siting of*
25 *schools in all areas within its planning jurisdiction by either*
26 *outright permitted uses or conditional use permits.*

27 *Sec. 60 was vetoed, see message at end of chapter.

1 NEW SECTION. **Sec. 61.** A new section is added to chapter 36.32 RCW
2 to read as follows:

3 A county when calling for competitive bids for the procurement of
4 road maintenance materials may award to multiple bidders for the same
5 commodity when the bid specifications provide for the factors of haul
6 distance to be included in the determination of which vendor is truly
7 the lowest price to the county. The county may readvertise for
8 additional bidders and vendors if it deems it necessary in the public
9 interest.

10 NEW SECTION. **Sec. 62.** A new section is added to chapter 36.32 RCW
11 to read as follows:

12 (1) No contract for the purchase of materials, equipment, supplies,
13 or services may be entered into by the county legislative authority or
14 by any elected or appointed officer of the county until after bids have
15 been submitted to the county. Bid specifications shall be in writing
16 and shall be filed with the clerk of the county legislative authority
17 for public inspection. An advertisement shall be published in the
18 official newspaper of the county stating the time and place where bids
19 will be opened, the time after which bids will not be received, the
20 materials, equipment, supplies, or services to be purchased, and that
21 the specifications may be seen at the office of the clerk of the county
22 legislative authority. The advertisement shall be published at least
23 once at least ten days prior to the last date upon which bids will be
24 received.

25 (2) The bids shall be in writing and filed with the clerk. The
26 bids shall be opened and read in public at the time and place named in
27 the advertisement. Immediately after the award is made, the bid
28 quotations shall be recorded and open to public inspection and shall be

1 available by telephone inquiry. Any or all bids may be rejected for
2 good cause.

3 (3) For advertisement and formal sealed bidding to be dispensed
4 with as to purchases between two thousand five hundred and twenty-five
5 thousand dollars, the county legislative authority must use the uniform
6 process to award contracts as provided in section 110 of this act.

7 (4) This section does not apply to performance-based contracts, as
8 defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A
9 RCW; or contracts and purchases for the printing of election ballots,
10 voting machine labels, and all other election material containing the
11 names of candidates and ballot titles.

12 (5) Nothing in this section shall prohibit the legislative
13 authority of any county from allowing for preferential purchase of
14 products made from recycled materials or products that may be recycled
15 or reused.

16 NEW SECTION. **Sec. 63.** A new section is added to chapter 36.32 RCW
17 to read as follows:

18 No lease may be entered into by the county legislative authority or
19 by any elected or appointed officer of the county until after bids have
20 been submitted to the county. The county shall use the same procedures
21 specified in sections 62 and 110 of this act for awarding contracts for
22 purchases when it leases property from the lowest responsible bidder.

23 **Sec. 64.** RCW 36.33.060 and 1973 1st ex.s. c 38 s 1 are each
24 amended to read as follows:

25 ~~((There is created in class AA and class A counties and counties of~~
26 ~~the first class a fund to be known as the salary fund, which shall))~~
27 The county legislative authority of each county with a population of
28 one hundred twenty-five thousand or more shall establish a salary fund

1 to be used for paying the salaries and wages of all officials and
2 employees. (~~In counties smaller than counties of the first class~~)
3 The county legislative authority of any other county may (~~by~~
4 ~~resolution~~) establish such a salary fund. Said salary fund shall be
5 reimbursed from any county funds or other funds under the jurisdiction
6 or control of the county treasurer or county auditor budgeted for
7 salaries and wages. The deposits shall be made in the exact amount of
8 the payroll or vouchers paid from the salary fund.

9 **Sec. 65.** RCW 36.33.065 and 1973 1st ex.s. c 38 s 2 are each
10 amended to read as follows:

11 The county legislative authority of any (~~class~~) county may
12 establish by resolution a fund to be known as the claims fund, which
13 shall be used for paying claims against the county. Such claims fund
14 shall be reimbursed from any county funds or other funds under the
15 jurisdiction or control of the county treasurer or county auditor
16 budgeted for such expenditures. The deposits shall be made in the
17 exact amount of the vouchers paid from the claims fund.

18 **Sec. 66.** RCW 36.34.020 and 1985 c 469 s 45 are each amended to
19 read as follows:

20 Whenever the county legislative authority desires to dispose of any
21 county property except:

22 (1) When selling to a governmental agency;

23 (2) When personal property to be disposed of is to be traded in
24 upon the purchase of a like article;

25 (3) When the value of the property to be sold is less than two
26 thousand five hundred dollars;

27 (4) When the county legislative authority by a resolution setting
28 forth the facts has declared an emergency to exist; it shall publish

1 notice of its intention so to do once each week during two successive
2 weeks in a legal newspaper of general circulation in the county.

3 **Sec. 67.** RCW 36.34.050 and 1963 c 4 s 36.34.050 are each amended
4 to read as follows:

5 Within three days after the hearing upon a proposal to dispose of
6 county property, the ~~((board of county commissioners))~~ county
7 legislative authority shall make its findings and determination thereon
8 and cause them to be spread upon its minutes and made a matter of
9 record. The county legislative authority may set a minimum sale price
10 on property that is proposed for sale.

11 **Sec. 68.** RCW 36.34.080 and 1965 ex.s. c 23 s 1 are each amended to
12 read as follows:

13 All sales of county property ordered after a public hearing upon
14 the proposal to dispose thereof must be ~~((made by the county treasurer~~
15 ~~at such place on county property as the board of county commissioners~~
16 ~~may direct to the highest and best bidder at public auction))~~
17 supervised by the county treasurer and may be sold at a county or other
18 government agency's public auction, at a privately operated consignment
19 auction that is open to the public, or by sealed bid to the highest and
20 best bidder over minimum sale price as directed by the county
21 legislative authority.

22 **Sec. 69.** RCW 36.34.090 and 1985 c 469 s 46 are each amended to
23 read as follows:

24 Whenever county property is to be sold at public auction,
25 consignment auction, or sealed bid, the county auditor shall publish
26 notice thereof once during each of two successive calendar weeks in a
27 newspaper of general circulation in the county. Notice thereof must

1 also be posted in a conspicuous place in the courthouse. The posting
2 and date of first publication must be at least ten days before the day
3 fixed for the sale.

4 **Sec. 70.** RCW 36.34.100 and 1963 c 4 s 36.34.100 are each amended
5 to read as follows:

6 The notice of sale of county property by auction sale must
7 particularly describe the property to be sold and designate the day and
8 hour and the ~~((place of sale. If real property is to be sold on terms,~~
9 ~~the terms must be stated in the notice))~~ location of the auction sale.
10 The notice of sale of county property by sealed bid must describe the
11 property to be sold, designate the date and time after which the bids
12 are not received, the location to turn in the sealed bid, and the date,
13 time, and location of the public meeting of the county legislative
14 authority when the bids are opened and read in public.

15 **Sec. 71.** RCW 36.47.040 and 1977 ex.s. c 221 s 1 are each amended
16 to read as follows:

17 Each county which designates the Washington state association of
18 county officials as the agency through which the duties imposed by RCW
19 36.47.020 may be executed is authorized to reimburse the association
20 from the county current expense fund for the cost of any such services
21 rendered: PROVIDED, That no reimbursement shall be made to the
22 association for any expenses incurred under RCW 36.47.050 for travel,
23 meals, or lodging of such county officials, or their representatives at
24 such meetings, but such expenses may be paid by such official's
25 respective county as other expenses are paid for county business. Such
26 reimbursement shall be paid only on vouchers submitted to the county
27 auditor and approved by the ~~((board of county commissioners))~~
28 legislative authority of each county in the manner provided for the

1 disbursement of other current expense funds. Each such voucher shall
2 set forth the nature of the services rendered by the association,
3 supported by affidavit that the services were actually performed.
4 ~~((The total of such reimbursements for any county in any calendar year
5 shall not exceed a sum equal to the amount which would be raised by a
6 levy of one-half of a cent per thousand dollars of assessed value
7 against the taxable property in such county.))~~

8 **Sec. 72.** RCW 36.56.010 and 1977 ex.s. c 277 s 1 are each amended
9 to read as follows:

10 Any ~~((class AA or class A))~~ county with a population of two hundred
11 ten thousand or more in which a metropolitan municipal corporation has
12 been established pursuant to chapter 35.58 RCW with boundaries
13 coterminous with the boundaries of the county may by ordinance or
14 resolution, as the case may be, of the county legislative authority
15 assume the rights, powers, functions, and obligations of such
16 metropolitan municipal corporation in accordance with the provisions of
17 this 1977 amendatory act. The definitions contained in RCW 35.58.020
18 shall be applicable to this chapter.

19 **Sec. 73.** RCW 36.57A.020 and 1975 1st ex.s. c 270 s 12 are each
20 amended to read as follows:

21 The county legislative authority of every ~~((class A, class 1, class~~
22 ~~2, or class 3))~~ county with a population of forty thousand or more
23 shall, and the legislative authority of every other county may, within
24 ninety days of July 1, 1975, and as often thereafter as it deems
25 necessary, and upon thirty days prior written notice addressed to the
26 legislative body of each city within the county and with thirty days
27 public notice, convene a public transportation improvement conference
28 to be attended by an elected representative selected by the legislative

1 body of each city, within such county, and by the county
2 ((commissioners)) legislative authority. Such conference shall be for
3 the purpose of evaluating the need for and the desirability of the
4 creation of a public transportation benefit area within certain
5 incorporated and unincorporated portions of the county to provide
6 public transportation services within such area. In those counties
7 where county officials believe the need for public transportation
8 service extends across county boundaries so as to provide public
9 transportation service in a metropolitan area, the county legislative
10 bodies of two or more neighboring counties may elect to convene a
11 multi- county conference. In addition, county-wide conferences may be
12 convened by resolution of the legislative bodies of two or more cities
13 within the county, not to exceed one in any twelve month period, or a
14 petition signed by at least ten percent of the registered voters in the
15 last general election of the city, county or city/county areas of a
16 proposed benefit area. The ((chairman)) chair of the conference shall
17 be elected from the members at large.

18 **Sec. 74.** RCW 36.58.030 and 1989 c 431 s 27 are each amended to
19 read as follows:

20 As used in RCW 36.58.030 through 36.58.060, the term "transfer
21 station" means a staffed, fixed supplemental facility used by persons
22 and route collection vehicles to deposit solid wastes into transfer
23 trailers for transportation to a disposal site. This does not include
24 detachable containers, except in ((third class or smaller)) counties
25 with a population of less than seventy thousand, and in any ((first
26 class)) county with a population of from one hundred twenty-five
27 thousand to less than two hundred ten thousand that is located east of
28 the crest of the Cascade mountain range, where detachable containers
29 shall be securely fenced, staffed by an attendant during all hours when

1 the detachable container is open to the public, charge a tipping fee
2 that shall cover the cost of providing and for use of the service, and
3 shall be operated as a transfer station.

4 **Sec. 75.** RCW 36.58.100 and 1982 c 175 s 1 are each amended to read
5 as follows:

6 The legislative authority of any county (~~other than a class AA~~
7 ~~county~~) with a population of less than one million is authorized to
8 establish one or more solid waste disposal districts within the county
9 for the purpose of providing and funding solid waste disposal services.
10 No solid waste disposal district may include any area within the
11 corporate limits of a city or town unless the city or town governing
12 body adopts a resolution approving inclusion of the area within its
13 limits. The county legislative authority may modify the boundaries of
14 the solid waste disposal district by the same procedure used to
15 establish the district. A solid waste disposal district may be
16 dissolved by the county legislative authority after holding a hearing
17 as provided in RCW 36.58.110.

18 As used in RCW 36.58.100 through 36.58.150 the term "county"
19 includes all counties other than (~~class AA counties~~) a county with a
20 population of one million or more.

21 A solid waste disposal district is a quasi-municipal corporation,
22 an independent taxing "authority" within the meaning of Article VII,
23 section 1 of the state Constitution, and a "taxing district" within the
24 meaning of Article VII, section 2 of the state Constitution.

25 A solid waste disposal district shall constitute a body corporate
26 and shall possess all the usual powers of a corporation for public
27 purposes as well as all other powers that may now or hereafter be
28 specifically conferred by statute: PROVIDED, That a solid waste
29 disposal district shall not have the power of eminent domain.

1 The county legislative authority shall be the governing body of a
2 solid waste disposal district. The electors of a solid waste disposal
3 district shall be all registered voters residing within the district.

4 NEW SECTION. **Sec. 76.** A new section is added to chapter 36.62 RCW
5 to read as follows:

6 All work ordered and materials purchased by a hospital shall be
7 subject to the requirements established in RCW 70.44.140 for public
8 hospital districts.

9 **Sec. 77.** RCW 36.64.060 and 1985 c 7 s 105 are each amended to read
10 as follows:

11 Whenever the ~~((board of county commissioners))~~ county legislative
12 authority of a county ~~((of the first class))~~ with a population of one
13 hundred twenty-five thousand or more deems it for the interest of the
14 county to construct or to aid the United States in constructing a canal
15 to connect any bodies of water within the county, such county may
16 construct such canal or aid the United States in constructing it and
17 incur indebtedness for such purpose to an amount not exceeding five
18 hundred thousand dollars and issue its negotiable bonds therefor in the
19 manner and form provided in RCW 36.67.010. Such construction or aid in
20 construction is a county purpose.

21 **Sec. 78.** RCW 36.64.070 and 1965 c 24 s 1 are each amended to read
22 as follows:

23 Any ~~((class AA or class A))~~ county with a population of two hundred
24 ten thousand or more may contract with any city or cities within such
25 county for the financing, erection, ownership, use, lease, operation,
26 control or maintenance of any building or buildings, including open
27 spaces, off-street parking facilities for the use of county and city

1 employees and persons doing business with such county or city, plazas
2 and other improvements incident thereto, for county or city, or
3 combined county-city, or other public use. Property for such buildings
4 and related improvements may be acquired by either such county or city
5 or by both by lease, purchase, donation, exchange, and/or gift or by
6 eminent domain in the manner provided by law for the exercise of such
7 power by counties and cities respectively and any property acquired
8 hereunder, together with the improvements thereon, may be sold,
9 exchanged or leased, as the interests of said county, city or cities
10 may from time to time require.

11 **Sec. 79.** RCW 36.69.010 and 1990 c 32 s 1 are each amended to read
12 as follows:

13 Park and recreation districts are hereby authorized to be formed
14 ~~((in each and every class of county))~~ as municipal corporations for the
15 purpose of providing leisure time activities and facilities and
16 recreational facilities, of a nonprofit nature as a public service to
17 the residents of the geographical areas included within their
18 boundaries.

19 The term "recreational facilities" means parks, playgrounds,
20 gymnasiums, swimming pools, field houses, bathing beaches, stadiums,
21 golf courses, automobile race tracks and drag strips, coliseums for the
22 display of spectator sports, public campgrounds, boat ramps and
23 launching sites, public hunting and fishing areas, arboretums, bicycle
24 and bridle paths, senior citizen centers, community centers, and other
25 recreational facilities.

26 **Sec. 80.** RCW 36.70.540 and 1963 c 4 s 36.70.540 are each amended
27 to read as follows:

1 Whenever a ((board)) county legislative authority has approved by
2 motion and certified all or part of a comprehensive plan, no ((street))
3 road, square, park or other public ground or open space shall be
4 acquired by dedication or otherwise(~~(, no street shall be disposed of,~~
5 ~~closed or abandoned,~~)) and no public building or structure shall be
6 constructed or authorized to be constructed in the area to which the
7 comprehensive plan applies until its location, purpose and extent has
8 been submitted to and reported upon by the planning agency. The report
9 by the planning agency shall set forth the manner and the degree to
10 which the proposed project does or does not conform to the objectives
11 of the comprehensive plan. If final authority is vested by law in some
12 governmental officer or body other than the ((board)) county
13 legislative authority, such officer or governmental body shall report
14 the project to the planning agency and the planning agency shall render
15 its report to such officer or governmental body. In both cases the
16 report of the planning agency shall be advisory only. Failure of the
17 planning agency to report on such matter so referred to it within forty
18 days or such longer time as the ((board)) county legislative authority
19 or other governmental officer or body may indicate, shall be deemed to
20 be approval.

21 NEW SECTION. Sec. 81. A new section is added to chapter 36.77 RCW
22 to read as follows:

23 In lieu of the procedure for awarding contracts that is provided in
24 RCW 36.77.020 through 36.77.040, a county may award contracts for
25 public works projects on county roads with an estimated value of one
26 hundred thousand dollars or less using a small works roster process as
27 provided in section 109 of this act.

Sec. 82. RCW 36.78.020 and 1965 ex.s. c 120 s 2 are each amended to read as follows:

"Standards of good practice" shall mean general and uniform practices formulated and adopted by the board relating to the administration of county roads (~~((for the several classes of counties))~~) which shall apply to engineering, maintenance, traffic control, safety, planning, programming, road classification, road inventories, budgeting and accounting procedures, equipment policies, and personnel policies.

Sec. 83. RCW 36.78.040 and 1965 ex.s. c 120 s 4 are each amended to read as follows:

Six members of the county road administration board shall be county ~~((commissioners))~~ legislative authority members and three members shall be county engineers. If any member, during the term for which he or she is appointed ceases to be either a ~~((county commissioner))~~ member of a county legislative authority or a county engineer, as the case may be, his or her membership on the county road administration board is likewise terminated. Three members of the board shall be from counties ~~((of the following classes: Class AA, class A, or first class))~~ with a population of one hundred twenty-five thousand or more. Four members shall be from counties ~~((of the following classes: Second class, third class, fourth class, or fifth class))~~ with a population of from twelve thousand to less than one hundred twenty-five thousand. Two members shall be from counties ~~((of the following classes: Sixth class, seventh class, eighth class, or ninth class))~~ with a population of less than twelve thousand. Not more than one member of the board shall be from any one county.

Sec. 84. RCW 36.79.140 and 1990 c 42 s 104 are each amended to read as follows:

1 At the time the board reviews the six-year program of each county
2 each even-numbered year, it shall consider and shall approve for
3 inclusion in its recommended budget, as required by RCW 36.79.130, the
4 portion of the rural arterial construction program scheduled to be
5 performed during the biennial period beginning the following July 1st.
6 Subject to the appropriations actually approved by the legislature, the
7 board shall as soon as feasible approve rural arterial trust account
8 funds to be spent during the ensuing biennium for preliminary proposals
9 in priority sequence as established pursuant to RCW 36.79.090. Only
10 those counties that during the preceding twelve months have spent all
11 revenues collected for road purposes only for such purposes, including
12 traffic law enforcement, as are allowed to the state by Article II,
13 section 40 of the state Constitution are eligible to receive funds from
14 the rural arterial trust account: PROVIDED HOWEVER, That counties ((~~of~~
15 ~~the seventh class~~)) with a population of from five thousand to less
16 than eight thousand are exempt from this eligibility restriction: AND
17 PROVIDED FURTHER, That counties expending revenues collected for road
18 purposes only on other governmental services after authorization from
19 the voters of that county under RCW 84.55.050 are also exempt from this
20 eligibility restriction. The board shall authorize rural arterial
21 trust account funds for the construction project portion of a project
22 previously authorized for a preliminary proposal in the sequence in
23 which the preliminary proposal has been completed and the construction
24 project is to be placed under contract. At such time the board may
25 reserve rural arterial trust account funds for expenditure in future
26 years as may be necessary for completion of preliminary proposals and
27 construction projects to be commenced in the ensuing biennium.

28 The board may, within the constraints of available rural arterial
29 trust funds, consider additional projects for authorization upon a
30 clear and conclusive showing by the submitting county that the proposed

1 project is of an emergent nature and that its need was unable to be
2 anticipated at the time the six-year program of the county was
3 developed. The proposed projects shall be evaluated on the basis of
4 the priority rating factors specified in RCW 36.79.080.

5 **Sec. 85.** RCW 36.80.010 and 1984 c 11 s 1 are each amended to read
6 as follows:

7 The ~~((board))~~ county legislative authority of each county with a
8 population of eight thousand or more shall employ a full-time county
9 road engineer residing in the county. ~~((In seventh, eighth, and ninth~~
10 ~~class counties it may employ))~~ The county legislative authority of each
11 other county shall employ a county engineer on either a full-time or
12 part-time basis who need not be a resident of the county, or ((it)) may
13 contract with ((other counties)) another county for the engineering
14 services of a county road engineer from such other ((counties)) county.

15 **Sec. 86.** RCW 36.81.130 and 1975 1st ex.s. c 21 s 4 are each
16 amended to read as follows:

17 The laying out, construction, and maintenance of all county roads
18 shall hereafter be in accordance with the following procedure:

19 On or before the first Monday in ~~((July))~~ October of each year each
20 county road engineer shall file with the county legislative authority
21 a recommended plan for the laying out, construction, maintenance, and
22 special maintenance of county roads for the ensuing fiscal year. Such
23 recommended plan need not be limited to but shall include the following
24 items: Recommended projects, including capital expenditures for
25 ferries, docks, and related facilities, and their priority; the
26 estimated cost of all work, including labor and materials for each
27 project recommended; a statement as to whether such work is to be done
28 by the county forces or by publicly advertised contract; a list of all

1 recommended repairs to and purchases of road equipment, together with
2 the estimated costs thereof. Amounts to be expended for maintenance
3 and special maintenance shall be recommended, but details of these
4 proposed expenditures shall not be made. The recommended plan shall
5 conform as nearly as practicable to the county's long range road
6 program.

7 ~~((Within two weeks after the))~~ After filing of the road engineer's
8 recommended plan, the county legislative authority shall consider the
9 same. Revisions and changes may be made until a plan which is
10 agreeable to a majority of the members of the county legislative
11 authority has been adopted: PROVIDED, That such revisions shall
12 conform as nearly as practicable to the county's long range road
13 program. Any appropriations contained in the county road budget shall
14 be void unless the county's road plan was adopted prior to such
15 appropriation.

16 The final road plan for the fiscal year shall not thereafter be
17 changed except by unanimous vote of the county legislative authority.

18 **Sec. 87.** RCW 36.82.020 and 1963 c 4 s 36.82.020 are each amended
19 to read as follows:

20 Any funds accruing to and to be deposited in the county road fund
21 arising from any levy in any road district shall be expended for proper
22 county road purposes ~~((entirely within the limits of the road district
23 from which the same was or is collected: PROVIDED, That nothing in
24 this section shall prevent the loan or rental of equipment by one road
25 district to another road district in the county)))~~.

26 **Sec. 88.** RCW 36.82.160 and 1969 ex.s. c 182 s 14 are each amended
27 to read as follows:

1 Each ~~((board of county commissioners))~~ county legislative
2 authority, with the assistance of the county road engineer, shall
3 prepare and file with the county auditor on or before the second Monday
4 in August in each year, detailed and itemized estimates of all
5 expenditures required in the county for the ensuing fiscal year. In
6 the preparation and adoption of the county road budget the ~~((board))~~
7 legislative authority shall determine and budget ~~((the respective~~
8 ~~percentages of the))~~ sums to become available for the following county
9 road purposes: (1) Administration; (2) bond and warrant retirement;
10 (3) maintenance; (4) construction; (5) operation of equipment rental
11 and revolving fund; and (6) such other items relating to the county
12 road budget as may be required by the county road administration board;
13 and the respective amounts as adopted for these several items in the
14 final budget for the ensuing calendar year shall not be altered or
15 exceeded except as by law provided.

16 **Sec. 89.** RCW 36.87.020 and 1985 c 369 s 4 are each amended to read
17 as follows:

18 ~~((Ten freeholders residing in the vicinity of))~~ Owners of the
19 majority of the frontage on any county road or portion thereof may
20 petition the county legislative authority to vacate and abandon the
21 same or any portion thereof. The petition must show the land owned by
22 each petitioner and set forth that such county road is useless as part
23 of the county road system and that the public will be benefited by its
24 vacation and abandonment. The legislative authority may (1) require
25 the petitioners to make an appropriate cash deposit or furnish an
26 appropriate bond against which all costs and expenses incurred in the
27 examination, report, and proceedings pertaining to the petition shall
28 be charged; or (2) by ordinance or resolution require the petitioners
29 to pay a fee adequate to cover such costs and expenses.

1 NEW SECTION. **Sec. 90.** A new section is added to chapter 36.88 RCW
2 to read as follows:

3 At its option, a county may include the value of right of way or
4 property that is donated or given to the county for purposes of an
5 improvement to be financed by a road improvement district, together
6 with the costs of acquiring other rights of way or property for the
7 improvement that was not donated or given to the county, in the costs
8 of the improvement and credit or reduce the assessments imposed on
9 benefited property for the value of the right of way or property that
10 the owner of the benefited property donated or gave to the county for
11 the improvement.

12 **Sec. 91.** RCW 36.93.030 and 1969 ex.s. c 111 s 1 are each amended
13 to read as follows:

14 (1) There is hereby created and established in each ((~~class AA and~~
15 ~~class A~~)) county with a population of two hundred ten thousand or more
16 a board to be known and designated as a "boundary review board".

17 (2) A boundary review board may be created and established in any
18 other ((~~class~~)) county in the following manner:

19 (a) The ((~~board of~~)) county ((~~commissioners~~)) legislative authority
20 may, by majority vote, adopt a resolution establishing a boundary
21 review board; or

22 (b) A petition seeking establishment of a boundary review board
23 signed by qualified electors residing in the county equal in number to
24 at least five percent of the votes cast in the county at the last
25 county general election may be filed with the county auditor.

26 Upon the filing of such a petition, the county auditor shall
27 examine the same and certify to the sufficiency of the signatures
28 thereon. No person may withdraw his or her name from a petition after
29 it has been filed with the auditor. Within thirty days after the

1 filing of such petition, the county auditor shall transmit the same to
2 the ~~((board of))~~ county ~~((commissioners))~~ legislative authority,
3 together with his or her certificate of sufficiency.

4 After receipt of a valid petition for the establishment of a
5 boundary review board, the ~~((board of))~~ county ~~((commissioners))~~
6 legislative authority shall submit the question of whether a boundary
7 review board should be established to the electorate at the next county
8 primary or county general election which occurs more than ~~((thirty))~~
9 forty-five days from the date of receipt of the petition. Notice of
10 the election shall be given as provided in RCW 29.27.080 and shall
11 include a clear statement of the proposal to be submitted.

12 If a majority of the persons voting on the proposition shall vote
13 in favor of the establishment of the boundary review board, such board
14 shall thereupon be deemed established.

15 **Sec. 92.** RCW 36.93.040 and 1967 c 189 s 4 are each amended to read
16 as follows:

17 For the purposes of this chapter, ~~((counties other than class AA~~
18 ~~and class A))~~ each county with a population of less than two hundred
19 ten thousand shall be deemed to have established a boundary review
20 board~~((s))~~ on and after the date a proposition for establishing the
21 same has been approved at an election as provided for in RCW 36.93.030,
22 or on and after the date of adoption of a resolution of the ~~((board~~
23 ~~of))~~ county ~~((commissioners))~~ legislative authority establishing the
24 same as provided for in RCW 36.93.030.

25 **Sec. 93.** RCW 36.93.051 and 1989 c 84 s 17 are each amended to read
26 as follows:

1 The boundary review board in ((~~class AA counties~~)) each county with
2 a population of one million or more shall consist of eleven members
3 chosen as follows:

4 (1) Three persons shall be appointed by the governor;

5 (2) Three persons shall be appointed by the county appointing
6 authority;

7 (3) Three persons shall be appointed by the mayors of the cities
8 and towns located within the county; and

9 (4) Two persons shall be appointed by the board from nominees of
10 special districts in the county.

11 The governor shall designate one initial appointee to serve a term
12 of two years, and two initial appointees to serve terms of four years,
13 if the appointments are made in an odd-numbered year, or one initial
14 appointee to serve a term of one year, and two initial appointees to
15 serve terms of three years, if the appointments are made in an even-
16 numbered year, with the length of the term being calculated from the
17 first day of February in the year the appointment was made.

18 The county appointing authority shall designate one of its initial
19 appointees to serve a term of two years, and two of its initial
20 appointees to serve terms of four years, if the appointments are made
21 in an odd-numbered year, or one of its initial appointees to serve a
22 term of one year, and two of its initial appointees to serve terms of
23 three years, if the appointments are made in an even-numbered year,
24 with the length of the term being calculated from the first day of
25 February in the year the appointment was made.

26 The mayors making the initial city and town appointments shall
27 designate two of their initial appointees to serve terms of two years,
28 and one of their initial appointees to serve a term of four years, if
29 the appointments are made in an odd-numbered year, or two of their
30 initial appointees to serve terms of one year, and one of their initial

1 appointees to serve a term of three years, if the appointments are made
2 in an even-numbered year, with the length of the term being calculated
3 from the first day of February in the year the appointment was made.

4 The board shall make two initial appointments from the nominees of
5 special districts, with one appointee serving a term of four years and
6 one initial appointee serving a term of two years, if the appointments
7 are made in an odd-numbered year, or one initial appointee serving a
8 term of three years and one initial appointee serving a term of one
9 year if the appointments are made in an even-numbered year, with the
10 length of the term being calculated from the first day of March in the
11 year in which the appointment is made.

12 After the initial appointments, all appointees shall serve four-
13 year terms.

14 No appointee may be an official or employee of the county or a
15 governmental unit in the county, or a consultant or advisor on a
16 contractual or regular retained basis of the county, any governmental
17 unit in the county, or any agency or association thereof.

18 **Sec. 94.** RCW 36.93.061 and 1989 c 84 s 18 are each amended to read
19 as follows:

20 The boundary review board in (~~(all counties other than class AA~~
21 ~~counties))~~ each county with a population of less than one million shall
22 consist of five members chosen as follows:

23 (1) Two persons shall be appointed by the governor;

24 (2) One person shall be appointed by the county appointing
25 authority;

26 (3) One person shall be appointed by the mayors of the cities and
27 towns located within the county; and

28 (4) One person shall be appointed by the board from nominees of
29 special districts in the county.

1 The governor shall designate one initial appointee to serve a term
2 of two years, and one initial appointee to serve a term of four years,
3 if the appointments are made in an odd-numbered year, or one initial
4 appointee to serve a term of one year, and one initial appointee to
5 serve a term of three years, if the appointments are made in an even-
6 numbered year, with the length of a term being calculated from the
7 first day of February in the year that the appointment was made.

8 The initial appointee of the county appointing authority shall
9 serve a term of two years, if the appointment is made in an odd-
10 numbered year, or a term of one year, if the appointment is made in an
11 even-numbered year. The initial appointee by the mayors shall serve a
12 term of four years, if the appointment is made in an odd-numbered year,
13 or a term of three years, if the appointment is made in an even-
14 numbered year. The length of the term shall be calculated from the
15 first day in February in the year the appointment was made.

16 The board shall make one initial appointment from the nominees of
17 special districts to serve a term of two years if the appointment is
18 made in an odd-numbered year, or a term of one year if the appointment
19 is made in an even-numbered year, with the length of the term being
20 calculated from the first day of March in the year in which the
21 appointment is made.

22 After the initial appointments, all appointees shall serve four-
23 year terms.

24 No appointee may be an official or employee of the county or a
25 governmental unit in the county, or a consultant or advisor on a
26 contractual or regular retained basis of the county, any governmental
27 unit in the county, or any agency or association thereof.

28 **Sec. 95.** RCW 36.93.063 and 1989 c 84 s 19 are each amended to read
29 as follows:

1 The executive of the county shall make the appointments under RCW
2 36.93.051 and 36.93.061 for the county, if one exists, or otherwise the
3 county legislative authority shall make the appointments for the
4 county.

5 The mayors of all cities and towns in the county shall meet on or
6 before the last day of January in each odd-numbered year to make such
7 appointments for terms to commence on the first day of February in that
8 year. The date of the meeting shall be called by the mayor of the
9 largest city or town in the county, and the mayor of the largest city
10 or town in the county who attends the meeting shall preside over the
11 meeting. Selection of each appointee shall be by simple majority vote
12 of those mayors who attend the meeting.

13 Any special district in the county may nominate a person to be
14 appointed to the board on or before the last day of January in each
15 odd-numbered year that the term for this position expires. The board
16 shall make its appointment of a nominee or nominees from the special
17 districts during the month of February following the date by which such
18 nominations are required to be made.

19 The county appointing authority and the mayors of cities and towns
20 within the county shall make their initial appointments for newly
21 created boards within sixty days of the creation of the board or shall
22 make sufficient additional appointments to increase a five-member board
23 to an eleven-member board within sixty days of the date the county
24 ~~((becomes a class AA county))~~ obtains a population of one million or
25 more. The board shall make its initial appointment or appointments of
26 board members from the nominees of special districts located within the
27 county within ninety days of the creation of the board or shall make an
28 additional appointment of a board member from the nominees of special
29 districts located within the county within ninety days of the date the

1 county (~~((becomes a class AA county))~~) obtains a population of one
2 million or more.

3 The term of office for all appointees other than the appointee from
4 the special districts shall commence on the first day of February in
5 the year in which the term is to commence. The term of office for the
6 appointee from nominees of special districts shall commence on the
7 first day of March in the year in which the term is to commence.

8 Vacancies on the board shall be filled by appointment of a person
9 to serve the remainder of the term in the same manner that the person
10 whose position is vacant was filled.

11 **Sec. 96.** RCW 36.93.100 and 1989 c 84 s 3 are each amended to read
12 as follows:

13 The board shall review and approve, disapprove, or modify any of
14 the actions set forth in RCW 36.93.090 when any of the following shall
15 occur within forty-five days of the filing of a notice of intention:

16 (1) Three members of a five-member boundary review board or five
17 members of a boundary review board in a (~~(class AA))~~) county with a
18 population of one million or more files a request for review:
19 PROVIDED, That the members of the boundary review board shall not be
20 authorized to file a request for review of the following actions:

21 (a) The incorporation or change in the boundary of any city, town,
22 or special purpose district;

23 (b) The extension of permanent water service outside of its
24 existing corporate boundaries by a city, town, or special purpose
25 district where such extension is through the installation of water
26 mains of six inches or less in diameter; or

27 (c) The extension of permanent sewer service outside of its
28 existing corporate boundaries by a city, town, or special purpose

1 district where such extension is through the installation of sewer
2 mains of eight inches or less in diameter;

3 (2) Any governmental unit affected, including the governmental unit
4 for which the boundary change or extension of permanent water or sewer
5 service is proposed, or the county within which the area of the
6 proposed action is located, files a request for review of the specific
7 action;

8 (3) A petition requesting review is filed and is signed by:

9 (a) Five percent of the registered voters residing within the area
10 which is being considered for the proposed action (as determined by the
11 boundary review board in its discretion subject to immediate review by
12 writ of certiorari to the superior court); or

13 (b) An owner or owners of property consisting of five percent of
14 the assessed valuation within such area;

15 (4) The majority of the members of boundary review boards concur
16 with a request for review when a petition requesting the review is
17 filed by five percent of the registered voters who deem themselves
18 affected by the action and reside within one-quarter mile of the
19 proposed action but not within the jurisdiction proposing the action.

20 If a period of forty-five days shall elapse without the board's
21 jurisdiction having been invoked as set forth in this section, the
22 proposed action shall be deemed approved.

23 If a review of a proposal is requested, the board shall make a
24 finding as prescribed in RCW 36.93.150 within one hundred twenty days
25 after the filing of such a request for review. If this period of one
26 hundred twenty days shall elapse without the board making a finding as
27 prescribed in RCW 36.93.150, the proposal shall be deemed approved
28 unless the board and the person who submitted the proposal agree to an
29 extension of the one hundred twenty day period.

1 **Sec. 97.** RCW 36.93.140 and 1967 c 189 s 14 are each amended to
2 read as follows:

3 Actions described in RCW 36.93.090 which are pending July 1, 1967,
4 or actions in counties ~~((other than class AA or class A))~~ with
5 populations of less than two hundred ten thousand which are pending on
6 the date of the creation of a boundary review board therein, shall not
7 be affected by the provisions of this chapter. Actions shall be deemed
8 pending on and after the filing of sufficient petitions initiating the
9 same with the appropriate public officer, or the performance of an
10 official act initiating the same.

11 **Sec. 98.** RCW 36.95.020 and 1971 ex.s. c 155 s 2 are each amended
12 to read as follows:

13 A district's boundary may include any part or all of any ~~((class))~~
14 county and may include any part or all of any incorporated area located
15 within the county. A district's boundary may not include any territory
16 already being served by a cable TV system (CATV) unless on August 9,
17 1971, there is a translator station retransmitting television signals
18 to such territory.

19 NEW SECTION. **Sec. 99.** PURPOSE. Voters of the unincorporated
20 areas of the state are authorized to establish community councils as
21 provided in this chapter.

22 It is the purpose of this chapter to provide voters of
23 unincorporated areas in counties with a population of over thirty
24 thousand that are made up entirely of islands with direct input on the
25 planning and zoning of their community by establishing a governmental
26 mechanism to adopt proposed community comprehensive plans and proposed
27 community zoning ordinances that are consistent with an overall guide
28 and framework adopted by the county legislative authority. In

1 addition, it is the purpose of this chapter to have community councils
2 serve as forums for the discussion of local issues.

3 NEW SECTION. **Sec. 100.** DEFINITIONS. Unless the context clearly
4 requires otherwise, the definitions in this section apply throughout
5 this chapter.

6 (1) "Community" means a portion of the unincorporated area for
7 which a community council has been established and which is located in
8 a county with a population of over thirty thousand that is made up
9 entirely of islands.

10 (2) "Community comprehensive plan" means a comprehensive plan
11 adopted by a community council.

12 (3) "Community council" means the governing body established under
13 this chapter to adopt community comprehensive plans and community
14 zoning ordinances for a community.

15 (4) "Community zoning ordinances" means the zoning ordinances
16 adopted by a community council to implement a community comprehensive
17 plan.

18 NEW SECTION. **Sec. 101.** MINIMUM REQUIREMENTS FOR A COMMUNITY
19 COUNCIL. A community for which a community council is created may
20 include only unincorporated territory located in a single county with
21 a population of over thirty thousand that is made up entirely of
22 islands and not included within a city or town. A community council
23 must have at least one thousand persons residing within the community
24 when the community council is created or, where the community only
25 includes an entire island, at least three hundred persons must reside
26 on the island when the community council is created. Any portion of
27 such a community that is annexed by a city or town, or is incorporated
28 as a city or town, shall be removed from the community upon the

1 effective date of the annexation or the official date of the
2 incorporation.

3 NEW SECTION. **Sec. 102.** CREATION. (1) The process to create a
4 community council shall be initiated by the filing of petitions with
5 the county auditor of the county in which the community is located
6 which: (a) Call for the creation of a community council; (b) set forth
7 the boundaries for the community; (c) indicate the number of community
8 councilmembers, which shall be five, seven, nine, or eleven; and (d)
9 contain signatures of voters residing within the community equal in
10 number to at least ten percent of the voters residing in the community
11 who voted at the last state general election. The county auditor shall
12 determine if the petitions contain a sufficient number of valid
13 signatures and certify the sufficiency of the petitions within fifteen
14 days of when the petitions were filed. If the petitions are certified
15 as having sufficient valid signatures, the county auditor shall
16 transmit the petitions and certificate to the county legislative
17 authority.

18 (2) The county legislative authority shall hold a public hearing
19 within the community on the creation of the proposed community council
20 no later than sixty days after the petitions and certificate of
21 sufficiency were transmitted to the county legislative authority.
22 Notice of the public hearing shall be published in a newspaper of
23 general circulation in the community for at least once a week for two
24 consecutive weeks, with the last date of publication no more than ten
25 days prior to the date of the public hearing. At least ten days before
26 the public hearing, additional notice shall be posted conspicuously in
27 at least five places within the proposed community in a manner designed
28 to attract public attention.

1 (3) After receiving testimony on the creation of the proposed
2 community council, the county legislative authority may alter the
3 boundaries of the community, but the boundaries may not be altered to
4 reduce the number of persons living within the community by more than
5 ten percent or below the minimum number of residents who must reside
6 within the community at the time of the creation of the community
7 council. If territory is added to the community, another public
8 hearing on the proposal shall be held.

9 (4) The county legislative authority shall call a special election
10 within the community to determine whether the proposed community
11 council shall be created, and to elect the initial community
12 councilmembers, at the next state general election occurring seventy-
13 five or more days after the initial public hearing on the creation of
14 the proposed community council. The community council shall be created
15 if the ballot proposition authorizing the creation of the community is
16 approved by a simple majority vote of the voters voting on the
17 proposition.

18 NEW SECTION. **Sec. 103.** ELECTION OF INITIAL COMMUNITY
19 COUNCILMEMBERS. The initial members of the community council shall be
20 elected at the same election as the ballot proposition is submitted
21 authorizing the creation of the community council. However, the
22 election of the initial community councilmembers shall be null and void
23 if the ballot proposition authorizing the creation of the community
24 council is not approved.

25 No primary election shall be held to nominate candidates for
26 initial council positions. The initial community council shall consist
27 of the candidate for each council position who receives the greatest
28 number of votes for that council position. Staggering of terms of
29 office shall be accomplished by having the majority of the winning

1 candidates who receive the greatest number of votes being elected to
2 four-year terms of office, and the remaining winning candidates being
3 elected to two-year terms of office, if the election was held in an
4 even-numbered year, or the majority of the winning candidates who
5 receive the greatest number of votes being elected to three-year terms
6 of office, and the remaining winning candidates being elected to one-
7 year terms of office, if the election was held in an odd-numbered year,
8 with the term computed from the first day of January in the year
9 following the election. Initial councilmembers shall take office
10 immediately when qualified in accordance with RCW 29.01.135.

11 However, where the county operates under a charter providing for
12 the election of members of the county legislative authority in odd-
13 numbered years, the terms of office of the initial councilmembers shall
14 be four years and two years, if the election of the initial
15 councilmembers was held on an odd-numbered year, or three years and one
16 year, if the election of the initial councilmembers was held on an
17 even-numbered year.

18 NEW SECTION. **Sec. 104.** COMMUNITY COUNCILMEMBERS. Community
19 councilmembers shall be elected to staggered four-year terms until
20 their successors are elected and qualified. Each council position
21 shall be numbered separately. Candidates shall run for specific
22 council positions. The number of council positions shall be five,
23 seven, nine, or eleven, as specified in the petition calling for the
24 creation of the community council.

25 Community councilmembers shall be nominated and elected at
26 nonpartisan elections pursuant to general election laws, except the
27 elections shall be held in even-numbered years, unless the county
28 operates under a charter and members of the county legislative

1 authority are elected in odd-numbered years, in which case, community
2 councilmembers shall be elected in odd-numbered years.

3 The provisions of this section apply to the election and terms of
4 office of the initial community councilmembers, except as provided in
5 section 103 of this act.

6 A councilmember shall lose his or her council position if his or
7 her primary residence no longer is located within the community.
8 Vacancies on a community council shall be filled by action of the
9 remaining councilmembers.

10 NEW SECTION. **Sec. 105.** RESPONSIBILITY OF COUNTY LEGISLATIVE
11 AUTHORITY. (1) Within ninety days of the election at which a community
12 council is created, the county legislative authority shall adopt an
13 ordinance establishing policies and conditions and designating portions
14 or components of the county comprehensive plan and zoning ordinances
15 that serve as an overall guide and framework for the development of
16 proposed community comprehensive plans and proposed community zoning
17 ordinances. The conditions and policies shall conform with the
18 requirements of chapter 36.70A RCW.

19 (2) Proposed community comprehensive plans and proposed community
20 zoning ordinances that are adopted by a community council shall be
21 submitted to the county legislative authority for its review of the
22 consistency of the proposed plans and proposed ordinances with the
23 ordinance adopted under subsection (1) of this section. The county
24 legislative authority shall either approve the proposed plans and
25 proposed ordinances as adopted, or refer the proposed plans and
26 proposed ordinances back to the community council with written findings
27 specifying the inconsistencies, within ninety days after they were
28 submitted. The county comprehensive plan, or subarea plan and
29 comprehensive plan, and zoning ordinances shall remain in effect in the

1 community until the proposed community comprehensive plans and proposed
2 community zoning ordinances have been approved as provided in this
3 subsection.

4 (3) Each proposed amendment to approved community comprehensive
5 plans or approved community zoning ordinances that is adopted by a
6 community council shall be submitted to the county legislative
7 authority for its review of the consistency of the amendment with the
8 ordinance adopted under subsection (1) of this section. The county
9 legislative authority shall either approve the proposed amendment as
10 adopted or refer the proposed amendment back to the community council
11 with written findings specifying the inconsistencies within ninety days
12 after the proposed amendment was submitted. The unamended community
13 comprehensive plans and unamended community zoning ordinances shall
14 remain in effect in the community until the proposed amendment has been
15 approved as provided in this subsection.

16 (4) If the county legislative authority amends the ordinance it
17 adopted under subsection (1) of this section, a community council shall
18 be given at least one hundred twenty days to amend its community
19 comprehensive plans and community zoning ordinances to be consistent
20 with this amended ordinance. However, the county legislative authority
21 may amend the community comprehensive plans and community zoning
22 ordinances to achieve consistency with this amended ordinance. Nothing
23 in this subsection shall preclude a community council from subsequently
24 obtaining approval of its proposed community comprehensive plans and
25 proposed community zoning ordinances.

26 (5) Approved community comprehensive plans and approved community
27 zoning ordinances shall be enforced by the county as if they had been
28 adopted by the county legislative authority. All quasi-judicial
29 actions and permits relating to these plans and ordinances shall be

made and decided by the county legislative authority or otherwise as provided by the county legislative authority.

(6) The county shall provide administrative and staff support for each community council within its boundaries.

NEW SECTION. **Sec. 106.** POWERS OF A COMMUNITY COUNCIL. A community council shall adopt proposed community comprehensive plans and proposed community zoning ordinances as provided in section 105 of this act. Community councils shall not have the authority to take quasi-judicial actions nor to decide permit applications. In addition, a community council shall serve as a forum for the discussion of local issues.

Community councils are subject to chapter 42.30 RCW, the open public meetings act.

NEW SECTION. **Sec. 107.** ANNEXATION. A community council may provide for the annexation of adjacent unincorporated areas to the community that are not included within another community for which a community council has been established. Annexations shall be initiated by either resolution of the community council proposing the annexation or petition of voters residing in the adjacent area, which petition:

(a) Requests the annexation; (b) sets forth the boundaries of the area proposed to be annexed; and (c) contains signatures of voters residing within the area that is proposed to be annexed equal in number to at least ten percent of the voters residing in that area who voted at the last state general election. Annexation petitions shall be filed with the county auditor who shall determine if the petitions contain a sufficient number of valid signatures, certify the sufficiency of the petitions, and notify the community council of the sufficiency of the petitions within fifteen days of when the petitions are submitted.

1 A ballot proposition authorizing the annexation shall be submitted
2 to the voters of the area that is proposed to be annexed at a primary
3 or general election in either an odd-numbered or even-numbered year, if
4 the community council initiated the annexation by resolution or if the
5 community council concurs in an annexation that was initiated by the
6 submission of annexation petitions containing sufficient valid
7 signatures. The annexation shall occur if the ballot proposition
8 authorizing the creation of the community is approved by a simple
9 majority vote of the voters voting on the proposition. The county's
10 comprehensive plan, and where applicable to the county's subarea plan,
11 and zoning ordinances shall continue in effect in the annexed area
12 until proposed amendments to the approved community comprehensive plans
13 and approved community zoning ordinance have been approved that apply
14 to the annexed area.

15 NEW SECTION. **Sec. 108.** DISSOLUTION. A community council shall be
16 dissolved if the population of the community is reduced to less than
17 five hundred persons, or less than two hundred persons if the community
18 only includes an entire island.

19 At the next general election at which community councilmembers
20 would be elected, occurring at least four years after the creation or
21 reestablishment of a community, a ballot proposition shall be submitted
22 to the voters of the community on whether the community shall be
23 reestablished. If reestablished, the newly elected members of the
24 community council and the retained members of the community council
25 shall constitute the members of the community council.

26 NEW SECTION. **Sec. 109.** A new section is added to chapter 39.04
27 RCW to read as follows:

1 (1) This section provides a uniform process to award contracts for
2 public works projects by those counties that are authorized to use a
3 small works roster in lieu of the requirements for formal sealed
4 bidding. The state statutes governing counties shall establish the
5 maximum dollar thresholds of the contracts that can be awarded under
6 this process, and may include other matters concerning the small works
7 roster process, for the county.

8 (2) Counties may create a single general small works roster, or may
9 create a small works roster for different categories of anticipated
10 work. The small works roster or rosters shall consist of all
11 responsible contractors who have requested to be on the list, and where
12 required by law are properly licensed or registered to perform such
13 work in this state. At least once a year, the county shall publish in
14 a newspaper of general circulation within the jurisdiction a notice of
15 the existence of the roster or rosters and solicit the names of
16 contractors for such roster or rosters.

17 The governing body of the county shall establish a procedure for
18 securing telephone or written quotations from the contractors on the
19 general small works roster, or a specific small works roster for the
20 appropriate category of work, to assure that a competitive price is
21 established and to award contracts to the lowest responsible bidder, as
22 defined in RCW 43.19.1911. Such invitations for quotations shall
23 include an estimate of the scope and nature of the work to be performed
24 as well as materials and equipment to be furnished. Whenever possible
25 at least five contractors shall be invited to submit bids. Once a
26 contractor has been afforded an opportunity to submit a proposal, that
27 contractor shall not be offered another opportunity until all other
28 appropriate contractors on the small works roster have been afforded an
29 opportunity to submit a proposal on a contract.

1 A contract awarded from a small works roster under this section
2 need not be advertised.

3 Immediately after an award is made, the bid quotations obtained
4 shall be recorded, open to public inspection, and available by
5 telephone inquiry.

6 NEW SECTION. **Sec. 110.** A new section is added to chapter 39.04
7 RCW to read as follows:

8 (1) This section provides a uniform process to award contracts for
9 the purchase of any materials, equipment, supplies, or services by
10 those counties that are authorized to use this process in lieu of the
11 requirements for formal sealed bidding. The state statutes governing
12 counties shall establish the maximum dollar thresholds of the contracts
13 that can be awarded under this process, and may include other matters
14 concerning the awarding of contracts for purchases, for the county.

15 (2) At least once per year, the county shall publish in a newspaper
16 of general circulation within the jurisdiction a notice of the
17 existence of vendor lists and solicit the names of vendors for the
18 lists. Counties shall by resolution establish a procedure for securing
19 telephone or written quotations, or both, from at least three different
20 vendors whenever possible to assure that a competitive price is
21 established and for awarding the contracts for the purchase of any
22 materials, equipment, supplies, or services to the lowest responsible
23 bidder as defined in RCW 43.19.1911. Immediately after the award is
24 made, the bid quotations obtained shall be recorded, open to public
25 inspection, and shall be available by telephone inquiry. A contract
26 awarded pursuant to this section need not be advertised.

27 NEW SECTION. **Sec. 111.** A new section is added to chapter 39.04
28 RCW to read as follows:

1 Any county that utilizes the small works roster process established
2 in section 109 of this act to award contracts for public works
3 projects, or the uniform process established in section 110 of this act
4 to award contracts for purchases, must post a list of the contracts
5 awarded under sections 109 and 110 of this act at least once every two
6 months. The list shall contain the name of the contractor or vendor
7 awarded the contract, the amount of the contract, a brief description
8 of the type of work performed or items purchased under the contract,
9 and the date it was awarded. The list shall also state the location
10 where the bid quotations for these contracts are available for public
11 inspection.

12 NEW SECTION. **Sec. 112.** A new section is added to chapter 39.30
13 RCW to read as follows:

14 Any county may purchase any supplies, equipment, or materials at
15 auctions conducted by the government of the United States or any agency
16 thereof, any agency of the state of Washington, any municipality or
17 other government agency, or any private party without being subject to
18 public bidding requirements if the items can be obtained at a
19 competitive price.

20 **Sec. 113.** RCW 40.04.100 and 1979 c 151 s 49 are each amended to
21 read as follows:

22 The supreme court reports and the court of appeals reports shall be
23 distributed by the state law librarian as follows:

24 (1) Each supreme court justice and court of appeals judge is
25 entitled to receive one copy of each volume containing an opinion
26 signed by him or her.

27 (2) The state law librarian shall retain such copies as are
28 necessary of each for the benefit of the state law library, the supreme

1 court and its subsidiary offices; and the court of appeals and its
2 subsidiary offices; he or she shall provide one copy each for the
3 official use of the attorney general and for each assistant attorney
4 general maintaining his or her office in the attorney general's suite;
5 three copies for the office of prosecuting attorney, in (~~class A~~
6 ~~counties~~)) each county with a population of two hundred ten thousand or
7 more; two copies for such office in (~~first class counties~~)) each
8 county with a population of from one hundred twenty-five thousand to
9 less than two hundred ten thousand, and one copy for each other
10 prosecuting attorney; one for each United States district court room
11 and every superior court room in this state if regularly used by a
12 judge of such courts; one copy for the use of each state department
13 maintaining a separate office at the state capitol; one copy to the
14 office of financial management, and one copy to the division of
15 inheritance tax and escheats; one copy each to the United States
16 supreme court, to the United States district attorney's offices at
17 Seattle and Spokane, to the office of the United States attorney
18 general, the library of the circuit court of appeals of the ninth
19 circuit, the Seattle public library, the Tacoma public library, the
20 Spokane public library, the University of Washington library, and the
21 Washington State University library; three copies to the Library of
22 Congress; and, for educational purposes, twelve copies to the
23 University of Washington law library, two copies to the University of
24 Puget Sound law library, and two copies to the Gonzaga University law
25 school library and to such other accredited law school libraries as are
26 hereafter established in this state; six copies to the King county law
27 library; and one copy to each county law library organized pursuant to
28 law in (~~class AA counties, class A counties and in counties of the~~
29 ~~first, second and third class~~)) each county with a population of forty
30 thousand or more.

(3) The state law librarian is likewise authorized to exchange copies of the supreme court reports and the court of appeals reports for similar reports of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution as in his or her judgment seems proper.

Sec. 114. RCW 41.14.040 and 1959 c 1 s 4 are each amended to read as follows:

Any counties ~~((of the fourth class or of lesser classifications))~~ with populations of less than forty thousand, whether contiguous or not, are authorized to establish and operate a combined civil service system to serve all counties so combined. The combination of any such counties shall be effective whenever each board of county commissioners of the counties involved adopts a resolution declaring intention to participate in the operation of a combined county civil service system in accordance with agreements made between any such counties. Any such combined county civil service commission shall serve the employees of each county sheriff's office impartially and according to need.

All matters affecting the combined civil service commission, including the selection of commissioners, shall be decided by majority vote of all the county commissioners of the counties involved.

All the provisions of this chapter shall apply equally to any such combined civil service system.

Sec. 115. RCW 41.14.065 and 1987 c 251 s 2 are each amended to read as follows:

Any ~~((class-AA))~~ county with a population of one million or more may assign the powers and duties of the commission to such county agencies or departments as may be designated by charter or ordinance: PROVIDED, That the powers and duties of the commission under RCW

1 41.14.120 shall not be assigned to any other body but shall continue to
2 be vested in the commission, which shall exist to perform such powers
3 and duties, together with such other adjudicative functions as may be
4 designated by charter or ordinance.

5 **Sec. 116.** RCW 41.14.070 and 1979 ex.s. c 153 s 3 are each amended
6 to read as follows:

7 The classified civil service and provisions of this chapter shall
8 include all deputy sheriffs and other employees of the office of
9 sheriff in each county except the county sheriff in every county and an
10 additional number of positions, designated the unclassified service,
11 determined as follows:

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

19 The unclassified position appointments authorized by this section
20 must include selections from the following positions up to the limit of
21 the number of positions authorized: Undersheriff, inspector, chief
22 criminal deputy, chief civil deputy, jail superintendent, and
23 administrative assistant or administrative secretary. The initial
24 selection of specific positions to be exempt shall be made by the
25 sheriff, who shall notify the civil service commission of his or her
26 selection. Subsequent changes in the designation of which positions
27 are to be exempt may be made only with the concurrence of the sheriff

1 and the civil service commission, and then only after the civil service
2 commission has heard the issue in open meeting. Should the position or
3 positions initially selected by the sheriff to be exempt (unclassified)
4 pursuant to this section be under the classified civil service at the
5 time of such selection, and should it (or they) be occupied, the
6 employee(s) occupying said position(s) shall have the right to return
7 to the next highest position or a like position under classified civil
8 service.

9 The county legislative authority of any (~~class-AA~~) county with a
10 population of five hundred thousand or more operating under a home rule
11 charter may designate unclassified positions of administrative
12 responsibility not to exceed twelve positions.

13 **Sec. 117.** RCW 41.14.210 and 1971 ex.s. c 214 s 3 are each amended
14 to read as follows:

15 The county legislative (~~body of each class-AA and A~~) authority or
16 each county with a population of two hundred ten thousand or more may
17 provide in the county budget for each fiscal year a sum equal to one
18 percent of the preceding year's total payroll of those included under
19 the jurisdiction and scope of this chapter. The funds so provided
20 shall be used for the support of the commission. Any part of the funds
21 so provided and not expended for the support of the commission during
22 the fiscal year shall be placed in the general fund of the county, or
23 counties according to the ratio of contribution, on the first day of
24 January following the close of such fiscal year.

25 **Sec. 118.** RCW 41.28.020 and 1939 c 207 s 3 are each amended to
26 read as follows:

27 A retirement system is hereby created and established in each city
28 of the first class in each (~~first-class~~) county with a population of

1 one hundred twenty-five thousand or more to be known as the "employees'
2 retirement system". This chapter shall become effective as to any such
3 city when by ordinance of the city duly enacted its terms are expressly
4 accepted and made applicable thereto. This section shall not be
5 construed as preventing performance before July 1, 1939, of any
6 preliminary work which any city council, city commission or board of
7 administration shall deem necessary.

8 **Sec. 119.** RCW 41.56.030 and 1989 c 275 s 2 are each amended to
9 read as follows:

10 As used in this chapter:

11 (1) "Public employer" means any officer, board, commission,
12 council, or other person or body acting on behalf of any public body
13 governed by this chapter as designated by RCW 41.56.020, or any
14 subdivision of such public body. For the purposes of this section, the
15 public employer of district court employees for wage-related matters is
16 the respective county legislative authority, or person or body acting
17 on behalf of the legislative authority, and the public employer for
18 nonwage-related matters is the judge or judge's designee of the
19 respective district court.

20 (2) "Public employee" means any employee of a public employer
21 except any person (a) elected by popular vote, or (b) appointed to
22 office pursuant to statute, ordinance or resolution for a specified
23 term of office by the executive head or body of the public employer, or
24 (c) whose duties as deputy, administrative assistant or secretary
25 necessarily imply a confidential relationship to the executive head or
26 body of the applicable bargaining unit, or any person elected by
27 popular vote or appointed to office pursuant to statute, ordinance or
28 resolution for a specified term of office by the executive head or body
29 of the public employer, or (d) who is a personal assistant to a

1 district judge or court commissioner. For the purpose of (d) of this
2 subsection, no more than one assistant for each judge or commissioner
3 may be excluded from a bargaining unit.

4 (3) "Bargaining representative" means any lawful organization which
5 has as one of its primary purposes the representation of employees in
6 their employment relations with employers.

7 (4) "Collective bargaining" means the performance of the mutual
8 obligations of the public employer and the exclusive bargaining
9 representative to meet at reasonable times, to confer and negotiate in
10 good faith, and to execute a written agreement with respect to
11 grievance procedures and collective negotiations on personnel matters,
12 including wages, hours and working conditions, which may be peculiar to
13 an appropriate bargaining unit of such public employer, except that by
14 such obligation neither party shall be compelled to agree to a proposal
15 or be required to make a concession unless otherwise provided in this
16 chapter. In the case of the Washington state patrol, "collective
17 bargaining" shall not include wages and wage-related matters.

18 (5) "Commission" means the public employment relations commission.

19 (6) "Executive director" means the executive director of the
20 commission.

21 (7) "Uniformed personnel" means (a) law enforcement officers as
22 defined in RCW 41.26.030 as now or hereafter amended, of cities with a
23 population of fifteen thousand or more or law enforcement officers
24 employed by the governing body of any county ~~((of the second class or~~
25 ~~larger))~~ with a population of seventy thousand or more, or (b) fire
26 fighters as that term is defined in RCW 41.26.030, as now or hereafter
27 amended.

28 **Sec. 120.** RCW 42.23.030 and 1990 c 33 s 573 are each amended to
29 read as follows:

1 No municipal officer shall be beneficially interested, directly or
2 indirectly, in any contract which may be made by, through or under the
3 supervision of such officer, in whole or in part, or which may be made
4 for the benefit of his or her office, or accept, directly or
5 indirectly, any compensation, gratuity or reward in connection with
6 such contract from any other person beneficially interested therein.
7 This section shall not apply in the following cases:

8 (1) The furnishing of electrical, water or other utility services
9 by a municipality engaged in the business of furnishing such services,
10 at the same rates and on the same terms as are available to the public
11 generally;

12 (2) The designation of public depositaries for municipal funds;

13 (3) The publication of legal notices required by law to be
14 published by any municipality, upon competitive bidding or at rates not
15 higher than prescribed by law for members of the general public;

16 (4) The designation of a school director as clerk or as both clerk
17 and purchasing agent of a school district;

18 (5) The employment of any person by a municipality, other than a
19 county (~~((of the first class or higher))~~) with a population of one
20 hundred twenty-five thousand or more, a city of the first or second
21 class, an irrigation district encompassing in excess of fifty thousand
22 acres, or a first class school district, for unskilled day labor at
23 wages not exceeding one hundred dollars in any calendar month;

24 (6) The letting of any other contract (except a sale or lease as
25 seller or lessor) by a municipality, other than a county (~~((of the first~~
26 ~~class or higher))~~) with a population of one hundred twenty-five thousand
27 or more, a city of the first or second class, an irrigation district
28 encompassing in excess of fifty thousand acres, or a first class school
29 district: PROVIDED, That the total volume of business represented by
30 such contract or contracts in which a particular officer is interested,

1 singly or in the aggregate, as measured by the dollar amount of the
2 municipality's liability thereunder, shall not exceed seven hundred
3 fifty dollars in any calendar month: PROVIDED FURTHER, That in the
4 case of a particular officer of a third class city or town (~~of the~~
5 ~~third, or fourth class~~)), or a noncharter optional code city, or a
6 member of any county fair board in a county which has not established
7 a county purchasing department pursuant to RCW 36.32.240, the total
8 volume of such contract or contracts authorized in this subsection may
9 exceed seven hundred fifty dollars in any calendar month but shall not
10 exceed nine thousand dollars in any calendar year: PROVIDED FURTHER,
11 That there shall be public disclosure by having an available list of
12 such purchases or contracts, and if the supplier or contractor is an
13 official of the municipality, he or she shall not vote on the
14 authorization;

15 (7) The leasing by a port district as lessor of port district
16 property to a municipal officer or to a contracting party in which a
17 municipal officer may be beneficially interested, if in addition to all
18 other legal requirements, a board of three disinterested appraisers,
19 who shall be appointed from members of the American institute of real
20 estate appraisers by the presiding judge of the superior court in the
21 county where the property is situated, shall find and the court finds
22 that all terms and conditions of such lease are fair to the port
23 district and are in the public interest;

24 (8) The letting of any contract for the driving of a school bus in
25 a second class school district: PROVIDED, That the terms of such
26 contract shall be commensurate with the pay plan or collective
27 bargaining agreement operating in the district;

28 (9) The letting of any contract to the spouse of an officer of a
29 second class school district in which less than two hundred full time
30 equivalent students are enrolled at the start of the school year as

1 defined in RCW 28A.150.040, when such contract is solely for employment
2 as a certificated or classified employee of the school district, or the
3 letting of any contract to the spouse of an officer of a second class
4 district in which less than five hundred full time equivalent students
5 are enrolled at the start of the school year as defined in RCW
6 28A.150.040, when such contract is solely for employment as a
7 substitute teacher for the school district: PROVIDED, That the terms
8 of such contract shall be commensurate with the pay plan or collective
9 bargaining agreement applicable to all district employees and the board
10 of directors has found, consistent with the written policy under RCW
11 28A.330.240, that there is a shortage of substitute teachers in the
12 school district.

13 **Sec. 121.** RCW 43.99C.045 and 1989 c 265 s 1 are each amended to
14 read as follows:

15 Subject to legislative appropriation, all principal proceeds of the
16 bonds and bond anticipation notes authorized in this chapter shall be
17 administered by the state department of social and health services
18 exclusively for the purposes specified in this chapter and for the
19 payment of expenses incurred in connection with the sale and issuance
20 of the bonds and bond anticipation notes.

21 In carrying out the purposes of this chapter all counties of the
22 state shall be eligible to participate in the distribution of the bond
23 proceeds. The share coming to each county shall be determined by a
24 division among all counties according to the relation which the
25 population of each county, as shown by the last federal or official
26 state census, whichever is the later, bears to the total combined
27 population of all counties, as shown by such census; except that, each
28 (~~sixth, seventh, or eighth class~~) county with a population of less
29 than twelve thousand shall receive an aggregate amount of up to

1 seventy-five thousand dollars if, through a procedure established in
2 rule, the department has determined there is a demonstrated need and
3 the share determined for such county is less than seventy-five thousand
4 dollars. No single project in a ((~~class-AA~~)) county with a population
5 of one million or more shall be eligible for more than fifteen percent
6 of such county's total distribution of bond proceeds.

7 In carrying out the purposes specified in this chapter, the
8 department may use or permit the use of the proceeds by direct
9 expenditures, grants, or loans to any public body, including but not
10 limited to grants to a public body as matching funds in any case where
11 federal, local, or other funds are made available on a matching basis
12 for purposes specified in this chapter.

13 In carrying out the purpose of this chapter, fixed assets acquired
14 under this chapter, and no longer utilized by the program having
15 custody of the assets, may be transferred to other public bodies either
16 in the same county or another county. Prior to such transfer the
17 department shall first determine if the assets can be used by another
18 program as designated by the department of social and health services
19 in RCW 43.99C.020. Such programs shall have priority in obtaining the
20 assets to ensure the purpose of this chapter is carried out.

21 **Sec. 122.** RCW 46.09.240 and 1986 c 206 s 9 are each amended to
22 read as follows:

23 (1) After deducting administrative expenses and the expense of any
24 programs conducted under this chapter, the interagency committee for
25 outdoor recreation shall, at least once each year, distribute the funds
26 it receives under RCW 46.09.110 and 46.09.170 to state agencies,
27 counties, municipalities, federal agencies, and Indian tribes.

28 The committee shall adopt rules governing applications for funds
29 administered by the agency under this chapter and shall determine the

1 amount of money distributed to each applicant. Agencies receiving
2 funds under this chapter for capital purposes shall consider the
3 possibility of contracting with the state parks and recreation
4 commission, the department of natural resources, or other federal,
5 state, and local agencies to employ the youth development and
6 conservation corps or other youth crews in completing the project.

7 (2) The interagency committee shall require each applicant for land
8 acquisition or development funds under this section to conduct, before
9 submitting the application, a public hearing in the nearest town of
10 five hundred population or more, and publish notice of such hearing on
11 the same day of each week for two consecutive weeks as follows:

12 (a) In the newspaper of general circulation published nearest the
13 proposed project;

14 (b) In the newspaper having the largest circulation in the county
15 or counties where the proposed project is located; and

16 (c) If the proposed project is located in a county (~~of class four~~
17 ~~or lower~~)) with a population of less than forty thousand, the notice
18 shall also be published in the newspaper having the largest circulation
19 published in the nearest county that (~~is class three or above~~)) has a
20 population of forty thousand or more.

21 (3) The notice shall state that the purpose of the hearing is to
22 solicit comments regarding an application being prepared for submission
23 to the interagency committee for outdoor recreation for acquisition or
24 development funds under the off-road and nonhighway vehicle program.
25 The applicant shall file notice of the hearing with the department of
26 ecology at the main office in Olympia and shall comply with the State
27 Environmental Policy Act, chapter 43.21C RCW. A written record and a
28 magnetic tape recording of the hearing shall be included in the
29 application.

1 **Sec. 123.** RCW 46.52.100 and 1987 c 3 s 18 are each amended to read
2 as follows:

3 Every district court, municipal court, and clerk of superior court
4 shall keep or cause to be kept a record of every traffic complaint,
5 traffic citation, notice of infraction, or other legal form of traffic
6 charge deposited with or presented to the court or a traffic violations
7 bureau, and shall keep a record of every official action by said court
8 or its traffic violations bureau in reference thereto, including but
9 not limited to a record of every conviction, forfeiture of bail,
10 judgment of acquittal, finding that a traffic infraction has been
11 committed, dismissal of a notice of infraction, and the amount of fine,
12 forfeiture, or penalty resulting from every said traffic complaint,
13 citation, or notice of infraction deposited with or presented to the
14 district court, municipal court, superior court, or traffic violations
15 bureau.

16 The Monday following the conviction, forfeiture of bail, or finding
17 that a traffic infraction was committed for violation of any provisions
18 of this chapter or other law regulating the operating of vehicles on
19 highways, every said magistrate of the court or clerk of the court of
20 record in which such conviction was had, bail was forfeited, or the
21 finding made shall prepare and immediately forward to the director of
22 licensing at Olympia an abstract of the record of said court covering
23 the case, which abstract must be certified by the person so required to
24 prepare the same to be true and correct. Report need not be made of
25 any finding involving the illegal parking or standing of a vehicle.

26 Said abstract must be made upon a form furnished by the director
27 and shall include the name and address of the party charged, the
28 number, if any, of the party's driver's or chauffeur's license, the
29 registration number of the vehicle involved, the nature of the offense,
30 the date of hearing, the plea, the judgment, whether bail forfeited,

1 whether the determination that a traffic infraction was committed was
2 contested, and the amount of the fine, forfeiture, or penalty as the
3 case may be.

4 Every court of record shall also forward a like report to the
5 director upon the conviction of any person of manslaughter or other
6 felony in the commission of which a vehicle was used.

7 The failure of any such judicial officer to comply with any of the
8 requirements of this section shall constitute misconduct in office and
9 shall be grounds for removal therefrom.

10 The director shall keep all abstracts received hereunder at the
11 director's office in Olympia and the same shall be open to public
12 inspection during reasonable business hours.

13 Venue in all district courts shall be before one of the two nearest
14 district judges in incorporated cities and towns nearest to the point
15 the violation allegedly occurred: PROVIDED, That in counties (~~of~~
16 ~~class A and of the first class~~) with populations of one hundred
17 twenty-five thousand or more such cases may be tried in the county seat
18 at the request of the defendant.

19 It shall be the duty of the officer, prosecuting attorney, or city
20 attorney signing the charge or information in any case involving a
21 charge of driving under the influence of intoxicating liquor or any
22 drug immediately to make request to the director for an abstract of
23 convictions and forfeitures which the director shall furnish.

24 **Sec. 124.** RCW 47.26.121 and 1990 c 266 s 4 are each amended to
25 read as follows:

26 (1) There is hereby created a transportation improvement board of
27 fifteen members, six of whom shall be county members and six of whom
28 shall be city members. The remaining members shall be: (a) The
29 assistant secretary of the department of transportation whose primary

responsibilities relate to planning and public transportation; (b) the assistant secretary for highways of the department of transportation; and (c) the state aid engineer of the department of transportation.

(2) Of the county members of the board, one member shall be a county engineer from a county ~~((of the first class or larger))~~ with a population of one hundred twenty-five thousand or more; one member shall be a county engineer from a county ~~((of the second class or smaller))~~ with a population of less than one hundred twenty-five thousand; one member shall be the executive director of the county road administration board, created by RCW 36.78.060; two members shall be county executives, council members, or commissioners from counties ~~((of the first class or larger))~~ with a population of one hundred twenty-five thousand or more; one member shall be a county executive, council member, or commissioner from a county ~~((of the second class or smaller))~~ with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. For the purposes of this subsection, the term county engineer shall mean the director of public works in any county in which such a position exists.

(3) Of the city members of the board two shall be chief city engineers, public works directors, or other city employees with responsibility for public works activities, of cities over twenty thousand population; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; two shall be mayors, commissioners, or city council members of cities of more than twenty thousand population; and one shall be a mayor, commissioner, or council member of a city of less than twenty thousand

1 population. All of the city members shall be appointed. Not more than
2 one city member of the board shall be from any one city.

3 (4) Appointments of county and city representatives shall be made
4 by the secretary of the department of transportation, with initial
5 appointments to be made by July 1, 1988. Appointees shall be chosen
6 from a list of two persons for each position nominated by the
7 Washington state association of counties for county members and the
8 association of Washington cities for city members. Except as provided
9 in subsection (5) of this section, terms of appointment are four years.
10 In the case of a vacancy, the appointment shall be only for the
11 remainder of the unexpired term in which the vacancy has occurred. A
12 vacancy shall be deemed to have occurred on the board when any member
13 elected to public office completes that term of office or is removed
14 therefrom for any reason or when any member employed by a political
15 subdivision terminates such employment for whatsoever reason.

16 (5) The initial appointment to the board for three county
17 representatives and three city representatives shall be for terms of
18 two years and the remainder of the appointments shall be for terms of
19 four years. Terms of all appointed members shall expire on June 30th
20 of even-numbered years.

21 (6) The board shall elect a chair from among its members for a two-
22 year term.

23 (7) Expenses of the board, including administration of the
24 transportation improvement program, shall be paid from the urban
25 arterial account.

26 **Sec. 125.** RCW 47.76.030 and 1990 c 43 s 11 are each amended to
27 read as follows:

1 (1) The essential rail assistance account is hereby created in the
2 state treasury. Moneys in the account may be appropriated only for the
3 purposes specified in this section.

4 (2) Moneys appropriated from the account to the department of
5 transportation may be distributed by the department to first class
6 cities, county rail districts, counties, and port districts for the
7 purpose of:

8 (a) Acquiring, maintaining, or improving branch rail lines;

9 (b) Operating railroad equipment necessary to maintain essential
10 rail service;

11 (c) Construction of transloading facilities to increase business on
12 light density lines or to mitigate the impacts of abandonment; or

13 (d) Preservation, including operation, of viable light density
14 lines, as identified by the Washington state department of
15 transportation, in compliance with this chapter.

16 (3) First class cities, county rail districts, counties, and port
17 districts may grant franchises to private railroads for the right to
18 operate on lines acquired, repaired, or improved under this chapter.

19 (4) If rail lines or rail rights of way are used by county rail
20 districts, port districts, state agencies, or other public agencies for
21 the purposes of rail operations and are later abandoned, the rail lines
22 or rail rights of way cannot be used for any other purposes without the
23 consent of the underlying fee title holder or reversionary rights
24 holder, or compensation has been made to the underlying fee title
25 holder or reversionary rights holder.

26 (5) Moneys distributed under subsection (2) of this section shall
27 not exceed eighty percent of the cost of the service or project
28 undertaken. At least twenty percent of the cost shall be provided by
29 the first class city, county, port district, or other local sources.

1 (6) The amount distributed under this section shall be repaid to
2 the state by the first class city, county rail district, county, or
3 port district. The repayment shall occur within a period not longer
4 than fifteen years, as set by the department, of the distribution of
5 the moneys and shall be deposited in the essential rail assistance
6 account. The repayment schedule and rate of interest, if any, shall be
7 set at the time of the distribution of the moneys.

8 (7) All earnings of investments of balances in the essential rail
9 assistance account shall be credited to that account except as provided
10 in RCW 43.84.090 and 43.84.092.

11 **Sec. 126.** RCW 47.76.040 and 1985 c 432 s 3 are each amended to
12 read as follows:

13 The department shall sell property acquired under RCW 47.76.030 to
14 a county rail district established under chapter 36.60 RCW, a county,
15 a port district, or any other public or private entity authorized to
16 operate rail service. Any public or private entity which originally
17 donated funds to the department pursuant to RCW 47.76.030 shall receive
18 credit against the purchase price for the amount donated to the
19 department, less management costs, in the event such public or private
20 entity purchases the property from the department.

21 If no county rail district, county, port district, or other public
22 or private entity authorized to operate rail service offers to purchase
23 such property within six years after its acquisition by the department,
24 the department may sell such property in the manner provided in RCW
25 47.76.050. Failing this, the department may sell or convey all such
26 property in the manner provided in RCW 47.76.060 or 47.76.080.

27 **Sec. 127.** RCW 47.76.160 and 1990 c 43 s 7 are each amended to read
28 as follows:

(1) The essential rail banking account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes specified in this section.

(2) Moneys in the account may be used by the department to:

(a) Purchase unused rail rights of way; or

(b) Provide up to eighty percent of the funding through loans to first class cities, port districts, counties, and county rail districts to purchase unused rail rights of way.

(3) Use of the moneys pursuant to subsection (2) of this section shall be for rights of way that meet the following criteria:

(a) The right of way has been identified, evaluated, and analyzed in the state rail plan prepared pursuant to this chapter;

(b) The right of way may be or has been abandoned;

(c) The right of way has potential for future rail service; and

(d) Reestablishment of rail service would benefit the state of Washington; and this benefit shall be based on the public and private costs and benefits of reestablishing the service compared with alternative service including necessary road improvement costs, or of taking no action.

Funds in the account may be expended for this purpose only with legislative appropriation. Funds for acquisition of any line shall be expended only after obtaining the approval of the legislative transportation committee. The department may also expend funds from the receipt of a donation of funds sufficient to cover the property acquisition and management costs. The department may receive donations of funds for this purpose, which shall be conditioned upon, and made in consideration for the repurchase rights contained in RCW 47.76.040. The department or the participating local jurisdiction shall be responsible for maintaining the right of way, including provisions for

1 fire and weed control and for liability associated with ownership.
2 Nothing in this section and in RCW 47.76.140 and 47.76.030 shall be
3 interpreted or applied so as to impair the reversionary rights of
4 abutting landowners, if any, without just compensation.

5 (4) All earnings of investments of balances in the essential rail
6 banking account shall be credited to that account except as provided in
7 RCW 43.84.090 and 43.84.092.

8 **Sec. 128.** RCW 53.12.010 and 1965 c 51 s 1 are each amended to read
9 as follows:

10 The powers of the port district shall be exercised through a port
11 commission consisting of three members. In any port ((districts
12 located in a class AA)) district with boundaries that are coterminous
13 with the boundaries of a county with a population of five hundred
14 thousand or more the members shall be residents of the county in which
15 the port district is located. In all other port districts, three
16 commissioner districts, numbered consecutively, having approximately
17 equal population and boundaries following ward and precinct lines,
18 shall be described in the petition for the formation of the port
19 district, and one commissioner shall be elected from each of said
20 commissioner districts.

21 In port districts having additional commissioners as authorized by
22 RCW 53.12.120 and 53.12.130, the powers of the port district shall be
23 exercised through a port commission consisting of five members
24 constituted as provided therein.

25 **Sec. 129.** RCW 53.12.020 and 1986 c 262 s 2 are each amended to
26 read as follows:

27 In a port ((districts located in a class AA)) district with
28 boundaries that are coterminous with the boundaries of a county with a

1 population of five hundred thousand or more no person shall be eligible
2 to hold the office of port commissioner unless he or she is a qualified
3 voter of the district. In all other port districts (~~((except those~~
4 ~~located in a class AA county))~~) the person must be a qualified voter of
5 the commissioner district from which he or she is elected.

6 If, pursuant to RCW 29.21.350, a void in candidacy has been
7 declared for a port district, any registered voter of the port district
8 is eligible to file a declaration of candidacy for the office of port
9 commissioner when filing for the office is reopened pursuant to RCW
10 29.21.360 or 29.21.370.

11 **Sec. 130.** RCW 53.12.035 and 1965 c 51 s 3 are each amended to read
12 as follows:

13 (~~((All candidates for district offices in port districts of class AA~~
14 ~~and class A counties shall file their declarations of candidacy with~~
15 ~~the county auditor of the county as set forth in RCW 29.21.060, as now~~
16 ~~or hereafter amended and in the same manner as candidates for county~~
17 ~~offices. In port districts located in a class AA county the~~
18 ~~declaration may be for any numbered port commissioner position to be~~
19 ~~open in the next port district election.))~~ In port districts ((with
20 ~~five commissioners in existence on July 1, 1965)) that transition from~~
21 a three-member board to a five-member board, the respective numbered
22 port commissioner positions shall correspond to the numbers of the
23 county ((~~commissioner~~)) legislative authority districts from which the
24 three original commissioners in the port districts were elected, ((with
25 ~~the central district being numbered one~~)) if the county had a three-
26 member county legislative authority, and with positions four and five
27 being assigned to the original at large commissioner positions for
28 which the first incumbents received, respectively, the greater and
29 lesser number of votes cast.

1 ~~((In all port districts in a class AA county, with three port~~
2 ~~commissioners there shall be three positions denominated positions one,~~
3 ~~two and three, and declarations of candidacy shall be for a specific~~
4 ~~position. Where a proposition for an increased number of port~~
5 ~~commissioners is on the ballot under RCW 53.12.120 and RCW 53.12.130,~~
6 ~~the two additional positions shall be denominated positions four and~~
7 ~~five, and candidates for the positions thus proposed to be created~~
8 ~~shall file declarations of candidacy for a specific position.))~~

9 Each candidate for a port commissioner position, including the
10 initial port commissioner positions, shall file a declaration of
11 candidacy for a specific position, whether or not the position is
12 associated with a commissioner district.

13 **Sec. 131.** RCW 53.12.035 and 1990 c 59 s 108 are each amended to
14 read as follows:

15 ~~((All candidates for district offices in port districts of class AA~~
16 ~~and class A counties shall file their declarations of candidacy with~~
17 ~~the county auditor of the county as set forth in Title 29 RCW, as now~~
18 ~~or hereafter amended and in the same manner as candidates for county~~
19 ~~offices. In port districts located in a class AA county the~~
20 ~~declaration may be for any numbered port commissioner position to be~~
21 ~~open in the next port district election.)) In port districts ((with~~
22 ~~five commissioners in existence on July 1, 1965,)) that transition from~~
23 a three-member board to a five-member board the respective numbered
24 port commissioner positions shall correspond to the numbers of the
25 county ~~((commissioner))~~ legislative authority districts from which the
26 three original commissioners in the port districts were elected, ~~((with~~
27 ~~the central district being numbered one))~~ if the county had a three-
28 member county legislative authority, and with positions four and five
29 being assigned to the original at large commissioner positions for

1 which the first incumbents received, respectively, the greater and
2 lesser number of votes cast.

3 ~~((In all port districts in a class AA county, with three port
4 commissioners there shall be three positions denominated positions one,
5 two and three, and declarations of candidacy shall be for a specific
6 position. Where a proposition for an increased number of port
7 commissioners is on the ballot under RCW 53.12.120 and RCW 53.12.130,
8 the two additional positions shall be denominated positions four and
9 five, and candidates for the positions thus proposed to be created
10 shall file declarations of candidacy for a specific position.))~~

11 Each candidate for a port commissioner position, including the
12 initial port commissioner positions, shall file a declaration of
13 candidacy for a specific position, whether or not the position is
14 associated with a commissioner district.

15 **Sec. 132.** RCW 53.25.100 and 1955 c 73 s 10 are each amended to
16 read as follows:

17 All port districts wherein industrial development districts have
18 been established are authorized and empowered to acquire by purchase or
19 condemnation or both, all lands, property and property rights necessary
20 for the purpose of the development and improvement of such industrial
21 development district and to exercise the right of eminent domain in the
22 acquirement or damaging of all lands, property and property rights and
23 the levying and collecting of assessments upon property for the payment
24 of all damages and compensation in carrying out the provisions for
25 which said industrial development district has been created; to develop
26 and improve the lands within such industrial development district to
27 make the same suitable and available for industrial uses and purposes;
28 to dredge, bulkhead, fill, grade, and protect such property; to
29 provide, maintain, and operate water, light, power and fire protection

1 facilities and services, streets, roads, bridges, highways, waterways,
2 tracks, and rail and water transfer and terminal facilities and other
3 harbor and industrial improvements; to execute leases of such lands or
4 property or any part thereof; to establish local improvement districts
5 within such industrial development districts which may, but need not,
6 be coextensive with the boundaries thereof, and to levy special
7 assessments, under the mode of annual installments, over a period not
8 exceeding ten years, on all property specially benefited by any local
9 improvement, on the basis of special benefits, to pay in whole or in
10 part the damages or costs of any improvement ordered in such local
11 improvement district; to issue local improvement bonds in any such
12 local improvement district; to be repaid by the collection of local
13 improvement assessments; and generally to exercise with respect to and
14 within such industrial development districts all the powers now or
15 hereafter conferred by law upon port districts in counties (~~of the~~
16 ~~first class~~)) with a population of one hundred twenty-five thousand or
17 more: PROVIDED, That the exercise of powers hereby authorized and
18 granted shall be in the manner now and hereafter provided by the laws
19 of the state for the exercise of such powers by port districts under
20 the general laws relating thereto insofar as the same shall not be
21 inconsistent with this chapter.

22 **Sec. 133.** RCW 53.31.020 and 1986 c 276 s 2 are each amended to
23 read as follows:

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout this chapter.

26 (1) "Port district" means any port district other than a county-
27 wide port district in a (~~class A or AA~~)) county with a population of
28 two hundred ten thousand or more, established under Title 53 RCW.

(2) "Export services" means the following services when provided in order to facilitate the export of goods or services through Washington ports: International market research, promotion, consulting, marketing, legal assistance, trade documentation, communication and processing of foreign orders to and for exporters and foreign purchasers, financing, and contracting or arranging for transportation, insurance, warehousing, foreign exchange, and freight forwarding.

(3) "Export trading company" means an entity created by a port district under RCW 53.31.040.

(4) "Obligations" means bonds, notes, securities, or other obligations or evidences of indebtedness.

(5) "Person" means any natural person, firm, partnership, association, private or public corporation, or governmental entity.

Sec. 134. RCW 53.49.010 and 1943 c 282 s 1 are each amended to read as follows:

Whenever any port district located in any county (~~of the sixth class~~) with a population of from eight thousand to less than twelve thousand shall be dissolved and disestablished or is about to be dissolved and disestablished and any sums of money remain in any of its funds, the port commissioners are authorized and directed to apply by petition, which may be filed without fee, to the superior court of such county for an order authorizing the transfer of such funds to the school district fund or if there be more than one such district, the school district funds of all districts, which are located within the boundaries of such port district.

Sec. 135. RCW 54.16.180 and 1977 ex.s. c 31 s 1 are each amended to read as follows:

1 A district may sell and convey, lease, or otherwise dispose of all
2 or any part of its works, plants, systems, utilities and properties,
3 after proceedings and approval by the voters of the district, as
4 provided for the lease or disposition of like properties and facilities
5 owned by cities and towns: PROVIDED, That the affirmative vote of
6 three-fifths of the voters voting at an election on the question of
7 approval of a proposed sale, shall be necessary to authorize such sale:
8 PROVIDED FURTHER, That a district may sell, convey, lease or otherwise
9 dispose of all or any part of the property owned by it, located outside
10 its boundaries, to another public utility district, city, town or other
11 municipal corporation without the approval of the voters; or may sell,
12 convey, lease, or otherwise dispose of to any person or public body,
13 any part, either within or without its boundaries, which has become
14 unserviceable, inadequate, obsolete, worn out or unfit to be used in
15 the operations of the system and which is no longer necessary, material
16 to, and useful in such operations, without the approval of the voters:
17 PROVIDED FURTHER, That a public utility district located within a
18 county (~~of the first class~~) with a population of from one hundred
19 twenty-five thousand to less than two hundred ten thousand may sell and
20 convey to a city of the first class, which owns its own water system,
21 all or any part of a water system owned by said public utility district
22 where a portion of it is located within the boundaries of such city,
23 without approval of the voters upon such terms and conditions as the
24 district shall determine: PROVIDED FURTHER, That a public utility
25 district located in a (~~fifth class~~) county with a population of from
26 twelve thousand to less than eighteen thousand and bordered by the
27 Columbia river may, separately or in connection with the operation of
28 a water system, or as part of a plan for acquiring or constructing and
29 operating a water system, or in connection with the creation of another
30 or subsidiary local utility district, may provide for the acquisition

1 or construction, additions or improvements to, or extensions of, and
2 operation of a sewage system within the same service area as in the
3 judgment of the district commission is necessary or advisable in order
4 to eliminate or avoid any existing or potential danger to the public
5 health by reason of the lack of sewerage facilities or by reason of the
6 inadequacy of existing facilities: AND PROVIDED FURTHER, That a public
7 utility district located within a county (~~((of the first class))~~) with a
8 population of from one hundred twenty-five thousand to less than two
9 hundred ten thousand bordering on Puget Sound may sell and convey to
10 any city of the third class or town all or any part of a water system
11 owned by said public utility district without approval of the voters
12 upon such terms and conditions as the district shall determine. Public
13 utility districts are municipal corporations for the purposes of this
14 section and the commission shall be held to be the legislative body and
15 the president and secretary shall have the same powers and perform the
16 same duties as the mayor and city clerk and the resolutions of the
17 districts shall be held to be ordinances within the meaning of the
18 statutes governing the sale, lease, or other disposal of public
19 utilities owned by cities and towns.

20 **Sec. 136.** RCW 56.04.120 and 1979 c 35 s 1 are each amended to read
21 as follows:

22 (1) On and after March 16, 1979, any sewerage improvement districts
23 created under Title 85 RCW and located in (~~((third class counties))~~) a
24 county with a population of from forty thousand to less than seventy
25 thousand shall become sewer districts and shall be operated,
26 maintained, and have the same powers as sewer districts created under
27 Title 56 RCW, upon being so ordered by the (~~((board of))~~) county
28 (~~((commissioners))~~) legislative authority of the county in which such
29 district is located after a hearing of which notice is given by

1 publication in a newspaper of general circulation within the district
2 and mailed to any known creditors, holders of contracts and obligees at
3 least thirty days prior to such hearing. After such hearing if the
4 (~~board of~~) county (~~commissioners~~) legislative authority finds the
5 converting of such district to be in the best interest of that
6 district, it shall order that such sewer improvement district shall
7 become a sewer district and fix the date of such conversion. All
8 debts, contracts and obligations created while attempting to organize
9 or operate a sewerage improvement district and all other financial
10 obligations and powers of the district to satisfy such obligations
11 established under Title 85 RCW are legal and valid until they are fully
12 satisfied or discharged under Title 85 RCW.

13 (2) The board of supervisors of a sewerage improvement district in
14 a (~~third-class~~) county with a population of from forty thousand to
15 less than seventy thousand shall act as the board of commissioners of
16 the sewer district created under subsection (1) of this section until
17 other members of the board of commissioners of the sewer district are
18 elected and qualified. There shall be an election on the same date as
19 the 1979 state general election and the seats of all three members of
20 the governing authority of every entity which was previously known as
21 a sewerage improvement district in a (~~third-class~~) county with a
22 population of from forty thousand to less than seventy thousand shall
23 be up for election. The election shall be held in the manner provided
24 for in RCW 56.12.020 for the election of the first board of
25 commissioners of a sewer district. Thereafter, the terms of office of
26 the members of the governing body shall be determined under RCW
27 56.12.020.

28 **Sec. 137.** RCW 57.90.010 and 1979 ex.s. c 30 s 11 are each amended
29 to read as follows:

1 Water, sewer, park and recreation, metropolitan park, county rural
2 library, cemetery, flood control, mosquito control, diking and
3 drainage, irrigation or reclamation, weed, health, or fire protection
4 districts, and any air pollution control authority, hereinafter
5 referred to as "special districts", which are located wholly or in part
6 within a (~~class AA or A~~) county with a population of two hundred ten
7 thousand or more may be disincorporated when the district has not
8 actively carried out any of the special purposes or functions for which
9 it was formed within the preceding consecutive five year period.

10 **Sec. 138.** RCW 67.28.090 and 1967 c 236 s 2 are each amended to
11 read as follows:

12 There is created a stadium commission to consist of six members to
13 be selected as follows:

14 The governor shall appoint a (~~chairman~~) chair and one other
15 member of the commission.

16 Any (~~class AA county, class A county, or first class~~) county with
17 a population of one hundred twenty-five thousand or more may within
18 ninety days following June 8, 1967 submit to the governor a request
19 that the commission conduct a study and investigation as provided in
20 RCW 67.28.100 relative to the construction of a stadium within such
21 county. Such request shall be supported by plans and other relevant
22 information.

23 Within two weeks of the end of the ninety-day period, the governor
24 and/or the two members of the commission appointed by him or her shall
25 meet and consider any such requests, and shall accept that request
26 which in their sole discretion appears to present the most feasible
27 plan.

28 Thereupon, the (~~board of~~) county (~~commissioners~~) legislative
29 authority of the county whose request is accepted shall select two

1 members from its body as members of the commission, and the mayor of
2 the city having the largest population in such county shall appoint two
3 members from such city's legislative body to the commission.

4 The commission shall meet at such time or times as may be
5 designated either by the governor or by the ((~~chairman~~)) chair of the
6 board, and shall serve without compensation. They shall receive, for
7 time spent on the commission, per diem and mileage allowances in
8 conformity with the amounts allowed for legislators under the
9 provisions of RCW 44.04.120.

10 **Sec. 139.** RCW 67.28.180 and 1987 c 483 s 1 are each amended to
11 read as follows:

12 (1) Subject to the conditions set forth in subsections (2) and (3)
13 of this section, the legislative body of any county or any city, is
14 authorized to levy and collect a special excise tax of not to exceed
15 two percent on the sale of or charge made for the furnishing of lodging
16 by a hotel, rooming house, tourist court, motel, trailer camp, and the
17 granting of any similar license to use real property, as distinguished
18 from the renting or leasing of real property: PROVIDED, That it shall
19 be presumed that the occupancy of real property for a continuous period
20 of one month or more constitutes a rental or lease of real property and
21 not a mere license to use or to enjoy the same.

22 (2) Any levy authorized by this section shall be subject to the
23 following:

24 (a) Any county ordinance or resolution adopted pursuant to this
25 section shall contain, in addition to all other provisions required to
26 conform to this chapter, a provision allowing a credit against the
27 county tax for the full amount of any city tax imposed pursuant to this
28 section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of ~~((subsection))~~ (a) of this subsection, to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In ~~((class AA counties))~~ any county with a population of one million or more, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in ~~((counties))~~ other ~~((than class AA))~~ counties, for county-owned facilities for agricultural promotion.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium

1 restaurant authorized by this subsection (2)(b) shall be operated by a
2 private concessionaire under a contract with the county.

3 (c) No city within a county exempt under subsection (2)(b) of this
4 section may levy the tax authorized by this section so long as said
5 county is so exempt: PROVIDED, That in the event that any city in such
6 county has levied the tax authorized by this section and has, prior to
7 June 26, 1975, authorized and issued revenue or general obligation
8 bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160,
9 such city may levy the tax so long as and to the extent that the tax
10 revenues are pledged for payment of principal and interest on bonds
11 issued pursuant to the provisions of RCW 67.28.150 through 67.28.160.

12 (3) Any levy authorized by this section by a county that has levied
13 the tax authorized by this section and has, prior to June 26, 1975,
14 either pledged the tax revenues for payment of principal and interest
15 on city revenue or general obligation bonds authorized and issued
16 pursuant to RCW 67.28.150 through 67.28.160 or has authorized and
17 issued revenue or general obligation bonds pursuant to the provisions
18 of RCW 67.28.150 through 67.28.160 shall be subject to the following:

19 (a) Taxes collected under this section in any calendar year in
20 excess of five million three hundred thousand dollars shall only be
21 used for art museums, cultural museums, the arts, and/or the performing
22 arts.

23 (b) No taxes collected under this section may be used for the
24 operation or maintenance of a public stadium that is financed directly
25 or indirectly by bonds to which the tax is pledged. Expenditures for
26 operation or maintenance include all expenditures other than
27 expenditures that directly result in new fixed assets or that directly
28 increase the capacity, life span, or operating economy of existing
29 fixed assets.

1 (c) No ad valorem property taxes may be used for debt service on
2 bonds issued for a public stadium that is financed by bonds to which
3 the tax is pledged, unless the taxes collected under this section are
4 or are projected to be insufficient to meet debt service requirements
5 on such bonds.

6 (d) If a substantial part of the operation and management of a
7 public stadium that is financed directly or indirectly by bonds to
8 which the tax is pledged is performed by a nonpublic entity or if a
9 public stadium is sold that is financed directly or indirectly by bonds
10 to which the tax is pledged, any bonds to which the tax is pledged
11 shall be retired.

12 (e) The county shall not lease a public stadium that is financed
13 directly or indirectly by bonds to which the tax is pledged to, or
14 authorize the use of the public stadium by, a professional major league
15 sports franchise unless the sports franchise gives the right of first
16 refusal to purchase the sports franchise, upon its sale, to local
17 government. This subsection (3)(e) does not apply to contracts in
18 existence on April 1, 1986.

19 If a court of competent jurisdiction declares any provision of this
20 subsection (3) invalid, then that invalid provision shall be null and
21 void and the remainder of this section is not affected.

22 **Sec. 140.** RCW 67.28.240 and 1988 ex.s. c 1 s 21 are each amended
23 to read as follows:

24 (1) The legislative body of a county that qualified under RCW
25 67.28.180(2)(b) other than a ~~((class-AA))~~ county with a population of
26 one million or more and the legislative bodies of cities in the
27 qualifying county are each authorized to levy and collect a special
28 excise tax of two percent on the sale of or charge made for the
29 furnishing of lodging by a hotel, rooming house, tourist court, motel,

1 trailer camp, and the granting of any similar license to use real
2 property, as distinguished from the renting or leasing of real
3 property. For the purposes of this tax, it shall be presumed that the
4 occupancy of real property for a continuous period of one month or more
5 constitutes a rental or lease of real property and not a mere license
6 to use or to enjoy the same.

7 (2) No city may impose the special excise tax authorized in
8 subsection (1) of this section during the time the city is imposing the
9 tax under RCW 67.28.180, and no county may impose the special excise
10 tax authorized in subsection (1) of this section until such time as
11 those cities within the county containing at least one-half of the
12 total incorporated population have imposed the tax.

13 (3) Any county ordinance or resolution adopted under this section
14 shall contain, in addition to all other provisions required to conform
15 to this chapter, a provision allowing a credit against the county tax
16 for the full amount of any city tax imposed under this section upon the
17 same taxable event.

18 (4) Any seller, as defined in RCW 82.08.010, who is required to
19 collect any tax under this section shall pay over such tax to the
20 county or city as provided in RCW 67.28.200. The deduction from state
21 taxes under RCW 67.28.190 does not apply to taxes imposed under this
22 section.

23 **Sec. 141.** RCW 70.46.030 and 1969 ex.s. c 70 s 1 are each amended
24 to read as follows:

25 A health district to consist of one county only and including all
26 cities and towns therein except cities having a population of over one
27 hundred thousand may be created whenever the ((board of county
28 commissioners)) county legislative authority of the county shall pass
29 a resolution to organize such a health district under chapter 70.05 RCW

1 and RCW 70.46.020 through 70.46.090. The district board of health of
2 such district shall consist of not less than five members, including
3 the three members of the (~~board of county commissioners~~) county
4 legislative authority of the county: PROVIDED, That if such health
5 district consists of a county (~~of the second class~~) with a population
6 of from seventy thousand to less than one hundred twenty-five thousand,
7 the district board of health shall consist of not less than six
8 members, including the three members of the (~~board of county~~
9 ~~commissioners~~) county legislative authority of the county and one
10 person who is a qualified voter of an unincorporated rural area of the
11 county and who is appointed by the legislative authority of the county.
12 The remaining members shall be representatives of the cities and towns
13 in the district selected by mutual agreement of the legislative bodies
14 of the cities and towns concerned from their membership, taking into
15 consideration the respective populations and financial contributions of
16 such cities and towns.

17 At the first meeting of a district board of health, the members
18 shall elect a chairman to serve for a period of one year.

19 **Sec. 142.** RCW 70.54.180 and 1979 ex.s. c 63 s 2 are each amended
20 to read as follows:

21 (1) For the purpose of this section "telecommunication device"
22 means an instrument for telecommunication in which speaking or hearing
23 is not required for communicators.

24 (2) The county legislative authority of each (~~fourth class or~~
25 ~~larger~~) county with a population of eighteen thousand or more and the
26 governing body of each city with a population in excess of ten thousand
27 shall provide by July 1, 1980, for a telecommunication device in their
28 jurisdiction or through a central dispatch office that will assure
29 access to police, fire, or other emergency services.

1 (3) The county legislative authority of each (~~(fifth class or~~
2 ~~smaller)~~) county with a population of eighteen thousand or less shall
3 by July 1, 1980, make a determination of whether sufficient need exists
4 with their respective counties to require installation of a
5 telecommunication device. Reconsideration of such determination will be
6 made at any future date when a deaf individual indicates a need for
7 such an instrument.

8 **Sec. 143.** RCW 70.94.053 and 1987 c 505 s 60 and 1987 c 109 s 34
9 are each reenacted and amended to read as follows:

10 (1) In each county of the state there is hereby created an air
11 pollution control authority, which shall bear the name of the county
12 within which it is located. The boundaries of each authority shall be
13 coextensive with the boundaries of the county within which it is
14 located. An authority shall include all incorporated and
15 unincorporated areas of the county within which it is located.

16 (2) All authorities which are presently or may hereafter be within
17 counties (~~(of the first class, class A or class AA,)~~) with populations
18 of one hundred twenty-five thousand or more are hereby designated as
19 activated authorities and shall carry out the duties and exercise the
20 powers provided in this chapter. Those authorities hereby activated
21 which encompass contiguous counties located in one or the other of the
22 two major areas determined in RCW 70.94.011 are declared to be and
23 directed to function as a multicounty authority.

24 (3) Except as provided in RCW 70.94.232, all other air pollution
25 control authorities are hereby designated as inactive authorities.

26 (4) The boards of those authorities designated as activated
27 authorities by this chapter shall be comprised of such appointees
28 and/or members of county (~~(commissioners)~~) legislative authorities or
29 other officers as is provided in RCW 70.94.100. The first meeting of

1 the boards of those authorities designated as activated authorities by
2 this chapter shall be on or before sixty days after June 8, 1967.

3 (5) The department is directed to conduct the necessary evaluations
4 and delineate appropriate air pollution regions throughout the state,
5 taking into consideration:

6 (a) The natural climatic and topographic features affecting the
7 potential for buildup of air contaminant concentrations.

8 (b) The degree of urbanization and industrialization and the
9 existence of activities which are likely to cause air pollution.

10 (c) The county boundaries as related to the air pollution regions
11 and the practicality of administering air pollution control programs.

12 **Sec. 144.** RCW 70.94.055 and 1967 c 238 s 5 are each amended to
13 read as follows:

14 The ~~((board of))~~ county ~~((commissioners))~~ legislative authority of
15 any county ~~((other than a first class, class A or class AA county))~~
16 with a population of less than one hundred twenty-five thousand may
17 activate an air pollution control authority following a public hearing
18 on its own motion, or upon a filing of a petition signed by one hundred
19 property owners within the county. If the ~~((board of))~~ county
20 ~~((commissioners))~~ legislative authority determines as a result of the
21 public hearing that:

22 (1) Air pollution exists or is likely to occur; and

23 (2) The city or town ordinances or county resolutions, or their
24 enforcement, are inadequate to prevent or control air pollution,
25 ~~((they))~~ it shall by resolution activate an air pollution control
26 authority or combine with a contiguous county or counties to form a
27 multicounty air pollution control authority.

Sec. 145. RCW 70.142.040 and 1984 c 187 s 3 are each amended to read as follows:

Each local health department serving a county (~~(of the first class or larger)~~) with a population of one hundred twenty-five thousand or more may establish water quality standards for its jurisdiction more stringent than standards established by the state board of health. Each local health department establishing such standards shall base the standards on the best available scientific information.

Sec. 146. RCW 71.05.135 and 1989 c 174 s 1 are each amended to read as follows:

In (~~(class A counties and counties of the first through ninth classes)~~) each county with a population of less than one million, the superior court may appoint the following persons to assist the superior court in disposing of its business: PROVIDED, That such positions may not be created without prior consent of the county legislative authority:

(1) One or more attorneys to act as mental health commissioners; and

(2) Such investigators, stenographers, and clerks as the court shall find necessary to carry on the work of the mental health commissioners.

The appointments provided for in this section shall be made by a majority vote of the judges of the superior court of the county and may be in addition to all other appointments of commissioners and other judicial attaches otherwise authorized by law. Mental health commissioners and investigators shall serve at the pleasure of the judges appointing them and shall receive such compensation as the county legislative authority shall determine. The appointments may be full or part-time positions. A person appointed as a mental health

1 commissioner may also be appointed to any other commissioner position
2 authorized by law.

3 **Sec. 147.** RCW 71.24.045 and 1991 c 29 s 2 are each amended to read
4 as follows:

5 The county authority shall:

6 (1) Submit biennial needs assessments beginning January 1, 1983,
7 and mental health service plans which incorporate all services provided
8 for by the county authority consistent with state minimum standards and
9 which provide access to treatment for the county's residents including
10 children and other underserved populations who are acutely mentally
11 ill, chronically mentally ill, or seriously disturbed. The county
12 program shall provide:

13 (a) Outpatient services;

14 (b) Emergency care services for twenty-four hours per day;

15 (c) Day treatment for mentally ill persons which includes training
16 in basic living and social skills, supported work, vocational
17 rehabilitation, and day activities. Such services may include
18 therapeutic treatment. In the case of a child, day treatment includes
19 age-appropriate basic living and social skills, educational and
20 prevocational services, day activities, and therapeutic treatment;

21 (d) Screening for patients being considered for admission to state
22 mental health facilities to determine appropriateness of admission;

23 (e) Employment services, which may include supported employment,
24 transitional work, placement in competitive employment, and other work-
25 related services, that result in mentally ill persons becoming engaged
26 in meaningful and gainful full or part-time work;

27 (f) Consultation and education services;

28 (g) Residential and inpatient services, if the county chooses to
29 provide such optional services; and

1 (h) Community support services.

2 The county shall develop the biennial needs assessment based on
3 clients to be served, services to be provided, and the cost of those
4 services, and may include input from the public, clients, and licensed
5 service providers. Each county authority may appoint a county mental
6 health advisory board which shall review and provide comments on plans
7 and policies developed by the county authority under this chapter. The
8 composition of the board shall be broadly representative of the
9 demographic character of the county and the mentally ill persons served
10 therein. Length of terms of board members shall be determined by the
11 county authority;

12 (2) Contract as needed with licensed service providers. The county
13 authority may, in the absence of a licensed service provider entity,
14 become a licensed service provider entity pursuant to minimum standards
15 required for licensing by the department for the purpose of providing
16 services not available from licensed service providers;

17 (3) Operate as a licensed service provider if it deems that doing
18 so is more efficient and cost effective than contracting for services.
19 When doing so, the county authority shall comply with rules promulgated
20 by the secretary that shall provide measurements to determine when a
21 county provided service is more efficient and cost effective((-));

22 (4) Monitor and perform biennial fiscal audits of licensed service
23 providers who have contracted with the county to provide services
24 required by this chapter. The monitoring and audits shall be performed
25 by means of a formal process which insures that the licensed service
26 providers and professionals designated in this subsection meet the
27 terms of their contracts, including the minimum standards of service
28 delivery as established by the department;

1 (5) Assure that the special needs of minorities, the elderly,
2 disabled, children, and low-income persons are met within the
3 priorities established in this chapter;

4 (6) Maintain patient tracking information in a central location as
5 required for resource management services;

6 (7) Use not more than two percent of state-appropriated community
7 mental health funds, which shall not include federal funds, to
8 administer community mental health programs under RCW 71.24.155:
9 PROVIDED, That county authorities serving a county or combination of
10 counties whose population is ~~((equal to or greater than that of a~~
11 ~~county of the first class))~~ one hundred twenty-five thousand or more
12 may be entitled to sufficient state-appropriated community mental
13 health funds to employ up to one full-time employee or the equivalent
14 thereof in addition to the two percent limit established in this
15 subsection when such employee is providing staff services to a county
16 mental health advisory board;

17 (8) Coordinate services for individuals who have received services
18 through the community mental health system and who become patients at
19 a state mental hospital.

20 **Sec. 148.** RCW 72.09.300 and 1987 c 312 s 3 are each amended to
21 read as follows:

22 (1) A county legislative authority may by resolution or ordinance
23 establish a ~~((community corrections board which shall consist of nine~~
24 ~~members))~~ local law and justice council. The county legislative
25 authority shall ~~((appoint four members to the board, two of whom shall~~
26 ~~be from the private sector. The secretary shall appoint one member to~~
27 ~~the board. In addition, the county prosecutor and county sheriff, or~~
28 ~~their designees, a judge of the county superior court selected by the~~
29 ~~county superior court judges, and a county district court judge,~~

~~selected by the county district court judges, shall be members of the~~
~~board))~~ determine the size and composition of the council, which shall
include the county sheriff and a representative of the municipal police
departments within the county, the county prosecutor and a
representative of the municipal prosecutors within the county, a
representative of the city legislative authorities within the county,
a representative of the county's superior, district, and municipal
courts, the county jail administrator, the county clerk, the county
risk manager, and the secretary of corrections. Officials designated
may appoint representatives.

(2) ~~((If))~~ A combination of counties ((establishes)) may establish
a ((community corrections board, an)) local law and justice council by
intergovernmental agreement ((shall establish the composition and
powers of the board, not to exceed the authority granted in this
section)). The agreement shall comply with the requirements of this
section.

(3) ~~The ((community corrections board))~~ local law and justice
council shall develop a ~~((community corrections))~~ local law and justice
plan for the county. The council shall design the elements and scope
of the plan, subject to final approval by the county legislative
authority. The general intent of the plan shall include seeking means
to maximize local resources, reduce duplication of services, and share
resources between local and state government. The plan shall also
include a section on jail management. This section may include the
following elements:

(a) A description of current jail conditions, including whether the
jail is overcrowded;

(b) A description of potential alternatives to incarceration;

(c) A description of current jail resources;

1 (d) A description of the jail population as it presently exists and
2 how it is projected to change in the future;

3 (e) A description of projected future resource requirements;

4 (f) A proposed action plan, which shall include recommendations to
5 maximize resources, maximize the use of intermediate sanctions,
6 minimize overcrowding, avoid duplication of services, and effectively
7 manage the jail and the offender population;

8 (g) A list of proposed advisory jail standards and methods to
9 effect periodic quality assurance inspections of the jail;

10 (h) A proposed plan to collect, synthesize, and disseminate
11 technical information concerning local criminal justice activities,
12 facilities, and procedures;

13 (i) A description of existing and potential services for offenders
14 including employment services, substance abuse treatment, mental health
15 services, and housing referral services.

16 (4) The council may propose other elements of the plan, which shall
17 be subject to review and approval by the county legislative authority,
18 prior to their inclusion into the plan.

19 (5) The county legislative authority may request technical
20 assistance in developing or implementing the plan from other units or
21 agencies of state or local government, which shall include the
22 department, the office of financial management, and the Washington
23 association of sheriffs and police chiefs.

24 (6) Upon receiving a request for assistance from a county, the
25 department may provide ((technical)) the requested assistance ((in
26 developing the plan. The plan shall describe the existing correctional
27 resources, goals, objectives, needs, and problems for local and state
28 correctional services in the county. The plan shall review ways to
29 maximize resources and reduce duplication of services. Areas to be
30 addressed in the plan include, but are not limited to: Voluntary

1 ~~services for offenders, which include employment, substance and alcohol~~
2 ~~abuse services, housing and mental health services; ways to share~~
3 ~~administrative costs between local and state government; and the~~
4 ~~development of alternatives to partial and total confinement)).~~

5 ((4)) (7) The secretary ((shall)) may adopt rules for the
6 submittal ((and)), review, and approval of all ((plans.
7 ~~Representatives from other state and local agencies and organizations~~
8 ~~shall participate in the review process. Initiatives that reduce the~~
9 ~~duplication of services or maximize the use of existing resources shall~~
10 ~~be given priority)) requests for assistance made to the department.
11 The secretary may also appoint an advisory committee of local and state
12 government officials to recommend policies and procedures relating to
13 the state and local correctional systems and to assist the department
14 in providing technical assistance to local governments. The committee
15 shall include representatives of the county sheriffs, the police
16 chiefs, the county prosecuting attorneys, the county and city
17 legislative authorities, and the jail administrators. The secretary
18 may contract with other state and local agencies and provide funding in
19 order to provide the assistance requested by counties.~~

20 ((5)) (8) The department shall establish a base level of state
21 correctional services, which shall be determined and distributed in a
22 consistent manner state-wide. The department's contributions to any
23 ((partnerships)) local government, approved pursuant to this section,
24 shall not operate to reduce this base level of services.

25 **Sec. 149.** RCW 72.09.050 and 1987 c 312 s 4 are each amended to
26 read as follows:

27 The secretary shall manage the department of corrections and shall
28 be responsible for the administration of adult correctional programs,
29 including but not limited to the operation of all state correctional

1 institutions or facilities used for the confinement of convicted
2 felons. In addition, the secretary shall have broad powers to enter
3 into agreements with any federal agency, or any other state, or any
4 Washington state agency or local government providing for the operation
5 of any correctional facility or program for persons convicted of
6 felonies or misdemeanors or for juvenile offenders. Such agreements
7 for counties with ~~((community corrections boards))~~ local law and
8 justice councils shall be required in the ~~((community corrections))~~
9 local law and justice plan pursuant to RCW 72.09.300. The agreements
10 may provide for joint operation or operation by the department of
11 corrections, alone, or by any of the other governmental entities,
12 alone. The secretary may employ persons to aid in performing the
13 functions and duties of the department. The secretary may delegate any
14 of his functions or duties to department employees. The secretary is
15 authorized to promulgate standards for the department of corrections
16 within appropriation levels authorized by the legislature.

17 Pursuant to the authority granted in chapter 34.05 RCW, the
18 secretary shall adopt rules providing for inmate restitution when
19 restitution is determined appropriate as a result of a disciplinary
20 action.

21 **Sec. 150.** RCW 74.20.210 and 1969 ex.s. c 173 s 14 are each amended
22 to read as follows:

23 The prosecuting attorney of any county except ~~((class AA counties))~~
24 a county with a population of one million or more may enter into an
25 agreement with the attorney general whereby the duty to initiate
26 petitions for support authorized under the provisions of chapter 26.21
27 RCW as it is now or hereafter amended (Uniform Reciprocal Enforcement
28 of Support Act) in cases where the petitioner has applied for or is
29 receiving public assistance on behalf of a dependent child or children

1 shall become the duty of the attorney general. Any such agreement may
2 also provide that the attorney general has the duty to represent the
3 petitioner in intercounty proceedings within the state initiated by the
4 attorney general which involve a petition received from another county.
5 Upon the execution of such agreement, the attorney general shall be
6 empowered to exercise any and all powers of the prosecuting attorney in
7 connection with said petitions.

8 **Sec. 151.** RCW 76.12.030 and 1988 c 128 s 24 are each amended to
9 read as follows:

10 If any land acquired by a county through foreclosure of tax liens,
11 or otherwise, comes within the classification of land described in RCW
12 76.12.020 and can be used as state forest land and if the department
13 deems such land necessary for the purposes of this chapter, the county
14 shall, upon demand by the department, deed such land to the department
15 and the land shall become a part of the state forest lands.

16 Such land shall be held in trust and administered and protected by
17 the department as other state forest lands. Any moneys derived from
18 the lease of such land or from the sale of forest products, oils,
19 gases, coal, minerals, or fossils therefrom, shall be distributed as
20 follows:

21 (1) The expense incurred by the state for administration,
22 reforestation, and protection, not to exceed twenty-five percent, which
23 rate of percentage shall be determined by the board of natural
24 resources, shall be returned to the forest development account in the
25 state general fund.

26 (2) Any balance remaining shall be paid to the county in which the
27 land is located to be paid, distributed, and prorated, except as
28 hereinafter provided, to the various funds in the same manner as
29 general taxes are paid and distributed during the year of payment:

1 PROVIDED, That any such balance remaining paid to a county (~~of the~~
2 ~~seventh, eighth, or ninth class~~) with a population of less than nine
3 thousand shall first be applied to the reduction of any indebtedness
4 existing in the current expense fund of such county during the year of
5 payment.

6 **Sec. 152.** RCW 79.08.170 and 1983 c 3 s 201 are each amended to
7 read as follows:

8 The duties of the county auditor in (~~class AA and class A~~
9 ~~counties~~) each county with a population of two hundred ten thousand or
10 more, with regard to sales and leases of the state lands dealt with
11 under Title 79 RCW except RCW 79.01.100, 79.01.104, and 79.94.040, are
12 transferred to the county treasurer.

13 **Sec. 153.** RCW 81.100.030 and 1990 c 43 s 14 are each amended to
14 read as follows:

15 (1) A (~~class AA~~) county with a population of one million or more,
16 or a (~~class A~~) county with a population of from two hundred ten
17 thousand to less than one million that is adjoining a (~~class AA~~)
18 county with a population of one million or more, and having within its
19 boundaries existing or planned high occupancy vehicle lanes on the
20 state highway system, may, with voter approval impose an excise tax of
21 up to two dollars per employee per month on all employers or any class
22 or classes of employers, public and private, including the state
23 located in the agency's jurisdiction, measured by the number of full-
24 time equivalent employees. The county imposing the tax authorized in
25 this section may provide for exemptions from the tax to such
26 educational, cultural, health, charitable, or religious organizations
27 as it deems appropriate.

Counties may contract with the state department of revenue or other appropriate entities for administration and collection of the tax. Such contract shall provide for deduction of an amount for administration and collection expenses.

(2) The tax shall not apply to employment of a person when the employer has paid for at least half of the cost of a transit pass issued by a transit agency for that employee, valid for the period for which the tax would otherwise be owed.

(3) A county shall adopt rules which exempt from all or a portion of the tax any employer that has entered into an agreement with the county that is designed to reduce the proportion of employees who drive in single-occupant vehicles during peak commuting periods in proportion to the degree that the agreement is designed to meet the goals for the employer's location adopted under RCW 81.100.040.

The agreement shall include a list of specific actions that the employer will undertake to be entitled to the exemption. Employers having an exemption from all or part of the tax through this subsection shall annually certify to the county that the employer is fulfilling the terms of the agreement. The exemption continues as long as the employer is in compliance with the agreement.

If the tax authorized in RCW 81.100.060 is also imposed by the county, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under RCW 81.100.060.

Sec. 154. RCW 81.100.060 and 1990 c 43 s 17 are each amended to read as follows:

A ~~((class-AA))~~ county with a population of one million or more and a ~~((class-A))~~ county with a population of from two hundred ten thousand to less than one million that is adjoining a ~~((class-AA))~~ county with

1 a population of one million or more, having within their boundaries
2 existing or planned high occupancy vehicle lanes on the state highway
3 system may, with voter approval, impose a local surcharge of not more
4 than fifteen percent on the state motor vehicle excise tax paid under
5 RCW 82.44.020(1) on vehicles registered to a person residing within the
6 county. No surcharge may be imposed on vehicles licensed under RCW
7 46.16.070 except vehicles with an unladen weight of six thousand pounds
8 or less, RCW 46.16.079, 46.16.080, 46.16.085, or 46.16.090.

9 Counties imposing a tax under this section shall contract, before
10 the effective date of the resolution or ordinance imposing a surcharge,
11 administration and collection to the state department of licensing,
12 which shall deduct an amount, as provided by contract, for
13 administration and collection expenses incurred by the department. All
14 administrative provisions in chapters 82.03, 82.32, and 82.44 RCW
15 shall, insofar as they are applicable to state motor vehicle excise
16 taxes, be applicable to surcharges imposed under this section.

17 If the tax authorized in RCW 81.100.030 is also imposed by the
18 county, the total proceeds from both tax sources each year shall not
19 exceed the maximum amount which could be collected under this section.

20 **Sec. 155.** RCW 81.104.030 and 1990 c 43 s 24 are each amended to
21 read as follows:

22 (1) In any ~~((class A))~~ county with a population of from two hundred
23 ten thousand to less than one million that is not bordered by a ~~((class~~
24 ~~AA))~~ county with a population of one million or more, and in ~~((counties~~
25 ~~of the first class and smaller))~~ each county with a population of less
26 than two hundred ten thousand, city-owned transit systems, county
27 transportation authorities, metropolitan municipal corporations, and
28 public transportation benefit areas may elect to establish high
29 capacity transportation service. Such agencies shall form a regional

1 policy committee with proportional representation based upon population
2 distribution within the designated service area and a representative of
3 the department of transportation.

4 (a) City-owned transit systems, county transportation authorities,
5 metropolitan municipal corporations, and public transportation benefit
6 areas participating in joint regional policy committees shall seek
7 voter approval within their own service boundaries of a high capacity
8 transportation system plan and an implementation program including a
9 financing program.

10 (b) An interim regional authority may be formed pursuant to RCW
11 81.104.040(2) and shall seek voter approval of a high capacity
12 transportation plan and financing program within its proposed service
13 boundaries.

14 (2) City-owned transit systems, county transportation authorities,
15 metropolitan municipal corporations, and public transportation benefit
16 areas in counties adjoining state or international boundaries are
17 authorized to participate in the regional high capacity transportation
18 programs of an adjoining state or nation.

20 ****Sec. 156. RCW 81.104.040 and 1990 c 43 s 25 are each amended to***
21 ***read as follows:***

22 ***(1) Agencies in ((a-class-AA)) each county with a population of one***
23 ***million or more, and in ((class-A-counties)) each county with a***
24 ***population of from two hundred ten thousand to less than one million***
25 ***bordering a ((class-AA)) county with a population of one million or***
26 ***more that are currently authorized to provide high capacity***
27 ***transportation planning and operating services, including but not***
28 ***limited to city-owned transit systems, county transportation***
29 ***authorities, metropolitan municipal corporations, and public***
30 ***transportation benefit areas, must establish through interlocal***

1 agreements a joint regional policy committee with proportional
2 representation based upon the population distribution within each
3 agency's designated service area, as determined by the parties to the
4 agreement.

5 (a) The membership of the joint regional policy committee shall
6 consist of locally elected officials who serve on the legislative
7 authority of the existing transit systems and a representative from the
8 department of transportation. Nonvoting membership for elected
9 officials from adjoining counties may be allowed at the committee's
10 discretion.

11 (b) The joint regional policy committee shall be responsible for
12 the preparation and adoption of a regional high capacity transportation
13 system plan and an implementation program including a financing
14 package. This plan shall be in conformance with the metropolitan
15 planning organization's regional transportation plan.

16 (c) Interlocal agreements shall be executed within two years of
17 March 14, 1990. The joint regional policy committee shall present a
18 high capacity transportation plan and local funding program to the
19 boards of directors of the transit agencies within the service area for
20 adoption.

21 (d) Transit agencies shall present the adopted plan and financing
22 program for voter approval within four years of the execution of the
23 interlocal agreements. A simple majority vote is required for approval
24 of the high capacity transportation plan and financing program in any
25 service district within each county. Implementation of the program may
26 proceed in any service area approving the plan and program.

27 (2) If interlocal agreements have not been executed within two
28 years from March 14, 1990, the designated metropolitan planning
29 organization shall convene within one hundred eighty days a conference
30 to be attended by an elected representative selected by the legislative

1 authority of each city and county in a ((~~class-AA~~)) county with a
2 population of one million or more, and in ((~~class-A counties~~)) each
3 county with a population of from two hundred ten thousand to less than
4 one million bordering a ((~~class-AA~~)) county with a population of one
5 million or more.

6 (a) Public notice of the conference shall occur thirty days before
7 the date of the conference.

8 (b) The purpose of the conference is to evaluate the need for
9 developing high capacity transportation service in a ((~~class-AA~~))
10 county with a population of one million or more and in ((~~class-A~~
11 ~~counties~~)) each county with a population of from two hundred ten
12 thousand to less than one million bordering a ((~~class-AA~~)) county with
13 a population of one million or more and to determine the desirability
14 of a regional approach to developing such service.

15 (c) The conference may elect to continue high capacity
16 transportation efforts on a subregional basis through existing transit
17 planning and operating agencies.

18 (d) The conference may elect to pursue regional development by
19 creating a multicounty interim regional high capacity transportation
20 authority. Conference members shall determine the structure and
21 composition of any interim regional authority.

22 (i) The interim regional authority shall propose a permanent
23 authority or authorities for voter approval. Permanent regional
24 authorities shall become the responsible agencies for planning,
25 construction, operations, and funding of high capacity transportation
26 systems within their service boundaries. Funding sources for a
27 regional high capacity transportation authority or authorities are
28 separate from currently authorized funding sources for city-owned
29 transit systems, county transportation authorities, metropolitan
30 municipal authorities, or public transportation benefit areas.

1 (ii) State and local jurisdictions, county transportation
2 authorities, metropolitan municipal corporations, or public
3 transportation benefit areas shall retain responsibility for existing
4 facilities and/or services, unless the responsibility is transferred to
5 the high capacity transportation authority or authorities by interlocal
6 agreement.

7 (3) If, within four years of the execution of the interlocal
8 agreements, a high capacity transportation plan and financing program
9 has been approved by a simple majority vote within a participating
10 jurisdiction, that jurisdiction may proceed with high capacity
11 transportation development. If within four years of the execution of
12 the interlocal agreements, a high capacity transportation plan and
13 program has not been approved by a simple majority vote within one or
14 more of the participating jurisdictions, the joint regional policy
15 committee shall convene within one hundred eighty days, a conference to
16 be attended by participating jurisdictions within which a plan and
17 financing program have not been approved. Such a conference shall be
18 for the same purpose and shall be subject to the same conditions as
19 described in subsection (2) of this section.

20 (4) High capacity transportation service planning, construction,
21 operations, and funding shall be governed through the interlocal
22 agreement process, including but not limited to provision for a cost
23 allocation and distribution formula, service corridors, station area
24 locations, right of way transfers, and feeder transportation systems.
25 The interlocal agreement shall include a mechanism for resolving
26 conflicts among parties to the agreement.

27 *Sec. 156 was vetoed, see message at end of chapter.

28 **Sec. 157.** RCW 81.104.140 and 1990 c 43 s 35 are each amended to
29 read as follows:

(1) Agencies authorized to provide high capacity transportation service, including city-owned transit systems, county transportation authorities, metropolitan municipal corporations and public transportation benefit areas, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in ~~((class AA counties, class A counties, counties of the first class which border another state, and counties which, on March 14, 1990, are of the second class and which adjoin class A counties))~~ each county with a population of two hundred ten thousand or more and each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, that both borders a county with a population of five hundred thousand or more and has a portion of its common boundary with that county intersected by an interstate highway.

(2) Agencies providing high capacity transportation service should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development through interlocal agreements or a conference-approved interim regional rail authority or subregional process as

defined in RCW 81.104.040 are authorized to levy and collect the following voter-approved local option funding sources:

(a) Employer tax as provided in RCW 81.104.150;

(b) Special motor vehicle excise tax as provided in RCW 81.104.160;
and

(c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (8) of this section. Before an agency may impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, it must comply with the process prescribed in RCW 81.104.100 and 81.104.110.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of existing transit agencies. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies providing high capacity transportation service may contract with the state for collection and transference of local option revenue.

(7) Dedicated high capacity transportation funding shall be subject to voter approval by a simple majority.

(8) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation, commuter rail, and feeder transportation systems.

1 **Sec. 158.** RCW 82.14.045 and 1984 c 112 s 1 and 1983 c 3 s 216 are
2 each reenacted and amended to read as follows:

3 (1) The legislative body of any city pursuant to RCW 35.92.060, of
4 any county which has created an unincorporated transportation benefit
5 area pursuant to RCW 36.57.100 and 36.57.110, of any public
6 transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090,
7 of any county transportation authority established pursuant to chapter
8 36.57 RCW, and of any metropolitan municipal corporation within a
9 (~~class AA~~) county with a population of one million or more pursuant
10 to chapter 35.58 RCW, may, by resolution or ordinance for the sole
11 purpose of providing funds for the operation, maintenance, or capital
12 needs of public transportation systems and in lieu of the excise taxes
13 authorized by RCW 35.95.040, submit an authorizing proposition to the
14 voters or include such authorization in a proposition to perform the
15 function of public transportation and if approved by a majority of
16 persons voting thereon, fix and impose a sales and use tax in
17 accordance with the terms of this chapter: PROVIDED, That no such
18 legislative body shall impose such a sales and use tax without
19 submitting such an authorizing proposition to the voters and obtaining
20 the approval of a majority of persons voting thereon: PROVIDED
21 FURTHER, That where such a proposition is submitted by a county on
22 behalf of an unincorporated transportation benefit area, it shall be
23 voted upon by the voters residing within the boundaries of such
24 unincorporated transportation benefit area and, if approved, the sales
25 and use tax shall be imposed only within such area. Notwithstanding
26 any provisions of this section to the contrary, any county in which a
27 county public transportation plan has been adopted pursuant to RCW
28 36.57.070 and the voters of such county have authorized the imposition
29 of a sales and use tax pursuant to the provisions of section 10,
30 chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be

1 authorized to fix and impose a sales and use tax as provided in this
2 section at not to exceed the rate so authorized without additional
3 approval of the voters of such county as otherwise required by this
4 section.

5 The tax authorized pursuant to this section shall be in addition to
6 the tax authorized by RCW 82.14.030 and shall be collected from those
7 persons who are taxable by the state pursuant to chapters 82.08 and
8 82.12 RCW upon the occurrence of any taxable event within such city,
9 public transportation benefit area, county, or metropolitan municipal
10 corporation as the case may be. The rate of such tax shall be one-
11 tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-
12 tenths of one percent of the selling price (in the case of a sales tax)
13 or value of the article used (in the case of a use tax). The rate of
14 such tax shall not exceed the rate authorized by the voters unless such
15 increase shall be similarly approved.

16 (2)(a) In the event a metropolitan municipal corporation shall
17 impose a sales and use tax pursuant to this chapter no city, county
18 which has created an unincorporated transportation benefit area, public
19 transportation benefit area authority, or county transportation
20 authority wholly within such metropolitan municipal corporation shall
21 be empowered to levy and/or collect taxes pursuant to RCW 35.58.273,
22 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city
23 or county from imposing sales and use taxes pursuant to any other
24 authorization.

25 (b) In the event a county transportation authority shall impose a
26 sales and use tax pursuant to this section, no city, county which has
27 created an unincorporated transportation benefit area, public
28 transportation benefit area, or metropolitan municipal corporation,
29 located within the territory of the authority, shall be empowered to

1 levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or
2 82.14.045.

3 (c) In the event a public transportation benefit area shall impose
4 a sales and use tax pursuant to this section, no city, county which has
5 created an unincorporated transportation benefit area, or metropolitan
6 municipal corporation, located wholly or partly within the territory of
7 the public transportation benefit area, shall be empowered to levy or
8 collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

9 (3) Any local sales and use tax revenue collected pursuant to this
10 section by any city or by any county for transportation purposes
11 pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally
12 generated tax revenues for the purposes of apportionment and
13 distribution, in the manner prescribed by chapter 82.44 RCW, of the
14 proceeds of the motor vehicle excise tax authorized pursuant to RCW
15 35.58.273.

16 **Sec. 159.** RCW 82.44.150 and 1990 c 42 s 308 are each amended to
17 read as follows:

18 (1) The director of licensing shall, on the twenty-fifth day of
19 February, May, August, and November of each year, advise the state
20 treasurer of the total amount of motor vehicle excise taxes remitted to
21 the department during the preceding calendar quarter ending on the last
22 day of March, June, September, and December, respectively, except for
23 those payable under RCW 82.44.030, from motor vehicle owners residing
24 within each municipality which has levied a tax under RCW 35.58.273,
25 which amount of excise taxes shall be determined by the director as
26 follows:

27 The total amount of motor vehicle excise taxes remitted to the
28 department, except those payable under RCW 82.44.030, from each county
29 shall be multiplied by a fraction, the numerator of which is the

1 population of the municipality residing in such county, and the
2 denominator of which is the total population of the county in which
3 such municipality or portion thereof is located. The product of this
4 computation shall be the amount of excise taxes from motor vehicle
5 owners residing within such municipality or portion thereof. Where the
6 municipality levying a tax under RCW 35.58.273 is located in more than
7 one county, the above computation shall be made by county, and the
8 combined products shall provide the total amount of motor vehicle
9 excise taxes from motor vehicle owners residing in the municipality as
10 a whole. Population figures required for these computations shall be
11 supplied to the director by the office of financial management, who
12 shall adjust the fraction annually.

13 (2) On the first day of the months of January, April, July, and
14 October of each year, the state treasurer based upon information
15 provided by the department shall, from motor vehicle excise taxes
16 deposited in the general fund, under RCW 82.44.110(7), make the
17 following deposits:

18 (a) To the high capacity transportation account created in RCW
19 47.78.010, a sum equal to four and five-tenths percent of the special
20 excise tax levied under RCW 35.58.273 by those municipalities
21 authorized to levy a special excise tax within a ~~((class AA county, or~~
22 ~~within a class A county contiguous to a class AA county, or within a~~
23 ~~second class county contiguous to a class A county that is contiguous~~
24 ~~to a class AA county))~~ county with a population of one million or more,
25 or within a county with a population of from two hundred ten thousand
26 to less than one million bordering a county with a population of one
27 million or more, or within a county with a population of from one
28 hundred twenty-five thousand to less than two hundred thousand that
29 both borders a county with a population of five hundred thousand or

1 more and has a portion of its common boundary with that county
2 intersected by an interstate highway;

3 (b) To the central Puget Sound public transportation account
4 created in RCW 82.44.180, for revenues distributed after December 31,
5 1992, within a (~~class AA county or within a class A county contiguous~~
6 ~~to a class AA~~) county with a population of one million or more and a
7 county with a population of from two hundred thousand to less than one
8 million bordering a county with a population of one million or more, a
9 sum equal to the difference between (i) the special excise tax levied
10 and collected under RCW 35.58.273 by those municipalities authorized to
11 levy and collect a special excise tax subject to the requirements of
12 subsections (3) and (4) of this section and (ii) the special excise tax
13 that the municipality would otherwise have been eligible to levy and
14 collect at a tax rate of .815 percent and been able to match with
15 locally generated tax revenues, other than the excise tax imposed under
16 RCW 35.58.273, budgeted for any public transportation purpose. Before
17 this deposit, the sum shall be reduced by an amount equal to the amount
18 distributed under (a) of this subsection for each of the municipalities
19 within the counties to which this subsection (2)(b) applies; however,
20 any transfer under this subsection (2)(b) must be greater than zero;

21 (c) To the public transportation systems account created in RCW
22 82.44.180, for revenues distributed after December 31, 1992, within
23 counties not described in (b) of this subsection, a sum equal to the
24 difference between (i) the special excise tax levied and collected
25 under RCW 35.58.273 by those municipalities authorized to levy and
26 collect a special excise tax subject to the requirements of subsections
27 (3) and (4) of this section and (ii) the special excise tax that the
28 municipality would otherwise have been eligible to levy and collect at
29 a tax rate of .815 percent and been able to match with locally
30 generated tax revenues, other than the excise tax imposed under RCW

1 35.58.273, budgeted for any public transportation purpose. Before this
2 deposit, the sum shall be reduced by an amount equal to the amount
3 distributed under (a) of this subsection for each of the municipalities
4 within the counties to which this subsection (2)(c) applies; however,
5 any transfer under this subsection (2)(c) must be greater than zero;
6 and

7 (d) To the transportation fund created in RCW 82.44.180, for
8 revenues distributed after June 30, 1991, a sum equal to the difference
9 between (i) the special excise tax levied and collected under RCW
10 35.58.273 by those municipalities authorized to levy and collect a
11 special excise tax subject to the requirements of subsections (3) and
12 (4) of this section and (ii) the special excise tax that the
13 municipality would otherwise have been eligible to levy and collect at
14 a tax rate of .815 percent notwithstanding the requirements set forth
15 in subsections (3) through (6) of this section, reduced by an amount
16 equal to distributions made under (a), (b), and (c) of this subsection.

17 (3) On the first day of the months of January, April, July, and
18 October of each year, the state treasurer, based upon information
19 provided by the department, shall remit motor vehicle excise tax
20 revenues imposed and collected under RCW 35.58.273 as follows:

21 (a) The amount required to be remitted by the state treasurer to
22 the treasurer of any municipality levying the tax shall not exceed in
23 any calendar year the amount of locally-generated tax revenues,
24 excluding the excise tax imposed under RCW 35.58.273 for the purposes
25 of this section, which shall have been budgeted by the municipality to
26 be collected in such calendar year for any public transportation
27 purposes including but not limited to operating costs, capital costs,
28 and debt service on general obligation or revenue bonds issued for
29 these purposes; and

1 (b) In no event may the amount remitted in a single calendar
2 quarter exceed the amount collected on behalf of the municipality under
3 RCW 35.58.273 during the calendar quarter next preceding the
4 immediately preceding quarter.

5 (4) At the close of each calendar year accounting period, but not
6 later than April 1, each municipality that has received motor vehicle
7 excise taxes under subsection (3) of this section shall transmit to the
8 director of licensing and the state auditor a written report showing by
9 source the previous year's budgeted tax revenues for public
10 transportation purposes as compared to actual collections. Any
11 municipality that has not submitted the report by April 1 shall cease
12 to be eligible to receive motor vehicle excise taxes under subsection
13 (3) of this section until the report is received by the director of
14 licensing. If a municipality has received more or less money under
15 subsection (3) of this section for the period covered by the report
16 than it is entitled to receive by reason of its locally-generated
17 collected tax revenues, the director of licensing shall, during the
18 next ensuing quarter that the municipality is eligible to receive motor
19 vehicle excise tax funds, increase or decrease the amount to be
20 remitted in an amount equal to the difference between the locally-
21 generated budgeted tax revenues and the locally-generated collected tax
22 revenues. In no event may the amount remitted for a calendar year
23 exceed the amount collected on behalf of the municipality under RCW
24 35.58.273 during that same calendar year. At the time of the next
25 fiscal audit of each municipality, the state auditor shall verify the
26 accuracy of the report submitted and notify the director of licensing
27 of any discrepancies.

28 (5) The motor vehicle excise taxes imposed under RCW 35.58.273 and
29 required to be remitted under this section shall be remitted without
30 legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

Sec. 160. RCW 87.19.020 and 1923 c 161 s 6 are each amended to read as follows:

The notice of election provided for in this chapter shall be given and ~~((said))~~ the election held in all respects in accordance with RCW 87.03.200, except in ~~((first class and class A counties))~~ each county with a population of one hundred twenty-five thousand or more, where the ~~((said))~~ notice and election shall be held in the manner provided by law for such counties.

Sec. 161. RCW 88.32.230 and 1970 ex.s. c 42 s 37 are each amended to read as follows:

Whenever the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of any county ~~((of the first class of this state shall))~~ with a population of one hundred twenty-five thousand or more deems it for the interest of the county to engage in or to aid the United States of America, the state of Washington, or any adjoining county or any city of this state, or any of them, in construction, enlargement, improvement, modification, repair or operation of any harbor, canal, waterway, river channel, slip, dock, wharf, or other public improvement, or any of the same, for the purposes of commerce, navigation, sanitation and drainage, or any thereof, or to acquire or operate wharf sites, dock sites, or other properties, rights or interests, or any thereof, necessary or proper to be acquired or

1 operated for public enjoyment of any such public improvement, and to
2 incur indebtedness to meet the cost thereof and expenses connected
3 therewith, and issue bonds of the county for the payment of such
4 indebtedness, or any thereof, such county is hereby authorized and
5 empowered, by and through its county (~~commissioners~~) legislative
6 authority, to engage in or aid in any such public work or works,
7 operation or acquisition, as aforesaid, and to incur indebtedness for
8 such purpose or purposes to an amount, which, together with the then
9 existing indebtedness of such county, shall not exceed two and one-half
10 percent of the value of the taxable property in said county, as the
11 term "value of the taxable property" is defined in RCW 39.36.015, and
12 to issue the negotiable bonds of the county for all or any of such
13 indebtedness and for the payment thereof, in the manner and form and as
14 provided in (~~sections 1846 to 1851, inclusive, of Ballinger's~~
15 ~~Annotated Codes and Statutes of Washington~~) chapter 39.46 RCW, and
16 other laws of this state which shall then be in force, and to make part
17 or all of such payment in bonds or in moneys derived from sale or sales
18 thereof, or partly in such bonds and partly in such money: PROVIDED,
19 That (~~said commissioners~~) the county legislative authority shall have
20 first submitted the question of incurring such indebtedness to the
21 voters of the county at a general or special election, and three-fifths
22 of the voters voting upon the question shall have voted in favor of
23 incurring the same.

24 **Sec. 162.** RCW 53.31.911 and 1990 c 297 s 23 are each reenacted and
25 amended to read as follows:

26 The following acts or parts of acts, as now existing or hereafter
27 amended, are each repealed, effective June 30, 1995:

28 (1) RCW 53.31.010 and 1986 c 276 s 1;

- (2) RCW 53.31.020 and 1991 c ... s 133 (section 133 of this act) & 1986 c 276 s 2;
- (3) RCW 53.31.030 and 1986 c 276 s 3;
- (4) RCW 53.31.040 and 1989 c 11 s 23 & 1986 c 276 s 4;
- (5) RCW 53.31.050 and 1986 c 276 s 5; and
- (6) RCW 53.31.060 and 1986 c 276 s 6.

NEW SECTION. **Sec. 163.** The following acts or parts of acts are each repealed:

- (1) RCW 29.13.025 and 1990 c 59 s 101, 1979 ex.s. c 126 s 13, & 1965 c 9 s 29.13.025;
- (2) RCW 36.13.010 and 1963 c 4 s 36.13.010;
- (3) RCW 36.13.075 and 1963 c 4 s 36.13.075;
- (4) RCW 36.13.080 and 1963 c 4 s 36.13.080;
- (5) RCW 36.13.090 and 1963 c 4 s 36.13.090;
- (6) RCW 36.93.920 and 1969 ex.s. c 111 s 10;
- (7) RCW 53.12.040 and 1965 c 51 s 4, 1959 c 175 s 2, & 1959 c 17 s 7;
- (8) RCW 53.12.044 and 1963 c 200 s 21, 1959 c 175 s 4, & 1951 c 69 s 3;
- (9) RCW 53.12.055 and 1965 c 51 s 5 & 1959 c 175 s 10;
- (10) RCW 53.12.160 and 1963 c 200 s 19, 1951 c 68 s 1, 1941 c 17 s 1, & 1935 c 133 s 1; and
- (11) RCW 53.12.210 and 1963 c 200 s 20, 1941 c 45 s 1, & 1925 ex.s. c 113 s 1.

NEW SECTION. **Sec. 164.** The following acts or parts of acts are each repealed:

- (1) RCW 36.32.271 and 1989 c 244 s 1;
- (2) RCW 36.32.273 and 1989 c 244 s 2;

(3) RCW 36.32.275 and 1989 c 244 s 3;

(4) RCW 36.32.277 and 1989 c 244 s 4;

(5) RCW 36.32.500 and 1984 c 203 s 6;

(6) RCW 36.32.505 and 1984 c 203 s 7;

(7) RCW 36.82.030 and 1963 c 4 s 36.82.030;

(8) RCW 36.82.130 and 1982 c 145 s 1, 1969 ex.s. c 182 s 13, & 1963 c 4 s 36.82.130; and

(9) RCW 36.82.150 and 1984 c 7 s 35 & 1963 c 4 s 36.82.150.

NEW SECTION. **Sec. 165.** (1) Sections 28, 29, 33, and 131 of this act shall take effect July 1, 1992.

(2) Section 47 of this act shall take effect July 1, 1993.

NEW SECTION. **Sec. 166.** (1) Section 130 of this act shall expire July 1, 1992.

(2) Section 46 of this act shall expire July 1, 1993.

NEW SECTION. **Sec. 167.** Sections 99 through 108 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. **Sec. 168.** Section headings as used in this act do not constitute any part of the law.

Passed the House April 28, 1991.

Passed the Senate April 28, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 42, 60, and 156, Substitute House Bill No. 1201 entitled:

"AN ACT Relating to local government."

Section 60 of Substitute House Bill No. 1201 requires all counties that plan and zone to authorize the siting of schools in all areas

1 within their planning jurisdictions by either outright permitted uses
2 or conditional use permits.

3 The inclusion of this section in the bill is motivated by good
4 intentions -- to remove what some school districts consider as
5 unreasonable county zoning restrictions that apply to school location
6 decisions. School districts are legally obligated to meet the
7 education needs of a growing student population. To meet those needs
8 requires districts to make every effort to acquire land and locate new
9 schools as economically as possible. That is becoming increasingly
10 difficult. Districts are faced with zoning restrictions that are
11 designed to prevent urban sprawl and preserve land for other critical
12 uses. Often these restrictions conflict with the public facility and
13 financial needs and constraints of school districts with growing
14 student populations.

15 While I agree with and recognize these very legitimate needs and
16 concerns, I am not convinced that the best solution is to exempt the
17 siting of schools from county planning and zoning ordinances within a
18 county's planning jurisdiction, as proposed in section 60.

19 First, section 60 conflicts with the spirit and intent of the 1990
20 Growth Management Act. That law gives certain urban counties the
21 primary responsibility of establishing comprehensive plans, which must
22 include regulation of land uses, the siting of public facilities, the
23 location of public utilities, and the designation of rural areas where
24 urban growth should not occur.

25 Under the Act, counties must also establish urban growth areas
26 within which urban growth will occur and outside of which growth can
27 occur only if it is not urban in nature. Such decisions and plans are
28 to be made with the participation of other affected jurisdictions,
29 including school districts.

30 To exempt decisions relating to the location of schools,
31 particularly high schools, from such considerations would be to ignore
32 the very real impacts that these large scale public facilities have on
33 overall growth patterns. It would also create a precedent for future
34 exemptions that could further undermine the primary purpose of the
35 Growth Management Act, which I not only strongly support but believe
36 should be strengthened.

37 Second, section 60 contains ambiguities that could arguably expend
38 its impact beyond what the Legislature may have intended. By simply
39 requiring that "schools" would be a permitted use, the language leaves
40 open the possibility that educational facilities, other than public
41 schools, could also be afforded the same status. I do not think
42 section 60 was designed to apply to proprietary schools, although that
43 is a possible interpretation of the language.

44 Section 42 amends RCW 35.82.285 by making technical changes
45 relating to county classes. That amendment would conflict with a
46 substantive amendment to the same RCW section contained in section 3 of
47 Engrossed House Bill No. 1740. It is therefore advisable to veto
48 section 42 so that the substantive amendment can take effect without
49 confusion.

50 Section 156 amends RCW 81.104.040 by making technical changes
51 relating to county classes. An amendment to the same RCW section

1 containing identical technical changes also appears in Substitute House
2 Bill No. 2151 (section 4). However, Substitute House Bill No. 2151
3 contains additional substantive amendatory language that cannot be
4 merged with other language in section 156. It is therefore advisable
5 to veto section 156 to avoid a double amendment and ensure that
6 conflicting language does not appear in the code.

7 For these reasons, I have vetoed sections 42, 60, and 156 of
8 Substitute House Bill No. 1201.

9 With the exception of sections 42, 60, and 156, Substitute House
10 Bill No. 1201 is approved."