

2 **ESB 6025** - H COMM AMD
3 By Committee on Local Government

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 35.16.010 and 1965 c 7 s 35.16.010 are each amended
8 to read as follows:

9 Upon the filing of a petition (~~((praying for an election to submit~~
10 ~~the question of excluding))~~ which is sufficient as determined by RCW
11 35A.01.040 requesting the exclusion from the boundaries of a city or
12 town of an area described by metes and bounds or by reference to a
13 recorded plat or government survey (~~((from the boundaries of a city or~~
14 ~~town))~~), signed by qualified voters (~~((thereof))~~) of the city or town
15 equal in number to not less than (~~((one-fifth))~~) ten percent of the
16 number of (~~((votes cast))~~) voters voting at the last general municipal
17 election, the city or town (~~((council))~~) legislative body shall (~~((cause~~
18 ~~to be submitted))~~) submit the question to the voters (~~((by a special~~
19 ~~election held for that purpose. Such special election shall not be~~
20 ~~held within ninety days next preceding any general election))~~). As an
21 alternate method, the legislative body of the city or town may by
22 resolution submit a proposal to the voters for excluding such a
23 described area from the boundaries of the city or town. The question
24 shall be submitted at the next general municipal election if one is to
25 be held within one hundred eighty days or at a special election called
26 for that purpose not less than ninety days nor more than one hundred
27 eighty days after the certification of sufficiency of the petition or
28 the passage of the resolution. The petition or resolution shall set
29 out and describe the territory to be excluded from the (~~((corporation))~~)
30 city or town, together with the boundaries of the (~~((said corporation))~~)
31 city or town as it will exist after such change is made.

32 **Sec. 2.** RCW 35.16.020 and 1985 c 469 s 19 are each amended to read
33 as follows:

34 Notice of a (~~((special))~~) corporate limit reduction election shall be
35 published (~~((for))~~) at least (~~((four))~~) once each week for two consecutive
36 weeks prior to the election in the official newspaper of the city or

1 town. The notice shall distinctly state the proposition to be
2 submitted, shall designate specifically the area proposed to be
3 excluded and the boundaries of the city or town as they would be after
4 the proposed exclusion of territory therefrom (~~and shall require the~~
5 ~~voters to cast ballots which~~). The ballots shall contain the words
6 "For reduction of (~~corporate~~) city limits" and "Against reduction of
7 (~~corporate~~) city limits" or words equivalent thereto. (~~This notice~~
8 ~~shall be in addition to the notice required by chapter 29.27 RCW.~~)

9 **Sec. 3.** RCW 35.16.030 and 1965 c 7 s 35.16.030 are each amended to
10 read as follows:

11 (~~On the Monday next succeeding a special corporate limit reduction~~
12 ~~election, the canvassing authority shall proceed to canvass the returns~~
13 ~~thereof and~~) The election returns shall be canvassed as provided in
14 RCW 29.13.040. If three-fifths of the votes cast on the proposition
15 favor the reduction of the corporate limits, the (~~council~~)
16 legislative body of the city or town, by an order entered on its
17 minutes, shall (~~cause~~) direct the clerk to make and transmit to the
18 office of the secretary of state a certified abstract of the vote. The
19 abstract shall show the (~~whole~~) total number of (~~electors~~) voters
20 voting, the number of votes cast for reduction and the number of votes
21 cast against reduction.

22 **Sec. 4.** RCW 35.16.040 and 1965 c 7 s 35.16.040 are each amended to
23 read as follows:

24 (~~Immediately~~) Promptly after the filing of the abstract of votes
25 with the office of the secretary of state, the legislative body of the
26 city or town (~~council~~) shall adopt an ordinance defining and fixing
27 the corporate limits after excluding the area as determined by the
28 election. The ordinance shall also describe the excluded territory by
29 metes and bounds or by reference to a recorded plat or government
30 survey and declare it no longer a part of the city or town.

31 **Sec. 5.** RCW 35.16.050 and 1965 c 7 s 35.16.050 are each amended to
32 read as follows:

33 (~~Immediately upon~~) A certified copy of the ordinance defining the
34 reduced city or town limits (~~going into effect, a certified copy~~
35 ~~thereof~~) together with a map showing the corporate limits as altered
36 shall be filed and recorded in the office of the county auditor of the

1 county in which the city or town is situated, (~~and thereupon the~~
2 ~~boundaries shall be as set forth therein~~) upon the effective date of
3 the ordinance. The new boundaries of the city or town shall take
4 effect immediately after they are filed and recorded with the county
5 auditor.

6 NEW SECTION. Sec. 6. A new section is added to chapter 35.16 RCW
7 to read as follows:

8 In regard to franchises previously granted for operation of any
9 public service business or facility within the territory excluded from
10 a city or town by proceedings under this chapter, the rights,
11 obligations, and duties of the legislative body of the county or other
12 political subdivision having jurisdiction over such territory and of
13 the franchise holder shall be as provided in RCW 35.02.160, relating to
14 inclusion of territory by an incorporation.

15 **Sec. 7.** RCW 35.27.010 and 1965 c 7 s 35.27.010 are each amended to
16 read as follows:

17 Every municipal corporation of the fourth class shall be entitled
18 the "Town of" (naming it), and by such name shall
19 have perpetual succession, may sue, and be sued in all courts and
20 places, and in all proceedings whatever; shall have and use a common
21 seal, alterable at the pleasure of the town authorities, and may
22 purchase, lease, receive, hold, and enjoy real and personal property
23 and control (~~and~~), lease, sublease, convey, or otherwise dispose of
24 the same for the common benefit.

25 **Sec. 8.** RCW 42.24.180 and 1984 c 128 s 11 are each amended to read
26 as follows:

27 In order to expedite the payment of claims, the legislative body of
28 any taxing district, as defined in RCW 43.09.260, may authorize the
29 issuance of warrants or checks in payment of claims after the
30 provisions of this chapter have been met and after the officer
31 designated by statute, or, in the absence of statute, an appropriate
32 charter provision, ordinance, or resolution of the taxing district, has
33 signed the checks or warrants, but before the legislative body has
34 acted to approve the claims. The legislative body may stipulate that
35 certain kinds or amounts of claims shall not be paid before the board
36 has reviewed the supporting documentation and approved the issue of

1 checks or warrants in payment of those claims. However, all of the
2 following conditions shall be met before the payment:

3 (1) The auditing officer and the officer designated to sign the
4 checks or warrants shall each be required to furnish an official bond
5 for the faithful discharge of his or her duties in an amount determined
6 by the legislative body but not less than fifty thousand dollars;

7 (2) The legislative body shall adopt contracting, hiring,
8 purchasing, and disbursing policies that implement effective internal
9 control;

10 (3) The legislative body shall provide for its review of the
11 documentation supporting claims paid and for its approval of all checks
12 or warrants issued in payment of claims at its next regularly scheduled
13 public meeting or, for cities and towns, at a regularly scheduled
14 public meeting within one month of issuance; and

15 (4) The legislative body shall require that if, upon review, it
16 disapproves some claims, the auditing officer and the officer
17 designated to sign the checks or warrants shall jointly cause the
18 disapproved claims to be recognized as receivables of the taxing
19 district and to pursue collection diligently until the amounts
20 disapproved are collected or until the legislative body is satisfied
21 and approves the claims.

22 NEW SECTION. **Sec. 9.** A new section is added to chapter 42.41 RCW
23 to read as follows:

24 (1) It is unlawful for a city or town official or employee to
25 directly or indirectly use or attempt to use his or her official
26 authority or influence for the purpose of intimidating, threatening,
27 coercing, or influencing an employee not to disclose information
28 concerning improper governmental action to a person designated under
29 RCW 42.41.030(3).

30 (2) Nothing in this section authorizes an employee to disclose
31 information otherwise prohibited by law.

32 **Sec. 10.** RCW 68.24.180 and 1984 c 7 s 369 are each amended to read
33 as follows:

34 After dedication under this title, and as long as the property
35 remains dedicated to cemetery purposes, a railroad, street, road,
36 alley, pipe line, pole line, or other public thoroughfare or utility
37 shall not be laid out, through, over, or across any part of it without

1 the consent of the cemetery authority owning and operating it, or of
2 not less than two-thirds of the owners of interment plots: PROVIDED
3 HOWEVER, That a city of under twenty thousand may initiate, prior to
4 January 1, 1995, an action to condemn cemetery property if the purpose
5 is to further improve an existing street, or other public improvement
6 and the proposed improvement does not interfere with existing interment
7 plots containing human remains. ((However, so long as the action is
8 commenced prior to March 31, 1961, the department of transportation may
9 condemn for state highway purposes for Primary State Highway No. 14 in
10 the vicinity of Gig Harbor land in any burial ground or cemetery in the
11 following cases:—(1) Where no organized or known authority is in
12 charge of any such cemetery, or (2) where the necessary consent cannot
13 be obtained and the court finds that considerations of highway safety
14 necessitate the taking of the land. A judgment entered in the
15 condemnation proceedings shall require that before an entry is made on
16 the land condemned for state highway purposes, the state shall, at its
17 own expense, remove or cause to be removed from the land any bodies
18 buried therein and suitably reinter them elsewhere to the satisfaction
19 of relatives, if they can be found.))

20 **Sec. 11.** RCW 82.14.330 and 1993 sp.s. c 21 s 3 are each amended to
21 read as follows:

22 (1) The moneys deposited in the municipal criminal justice
23 assistance account for distribution under this section shall be
24 distributed to the cities of the state as follows:

25 (a) Twenty percent appropriated for distribution shall be
26 distributed to cities with a three-year average violent crime rate for
27 each one thousand in population in excess of one hundred fifty percent
28 of the state-wide three-year average violent crime rate for each one
29 thousand in population. The three-year average violent crime rate
30 shall be calculated using the violent crime rates for each of the
31 preceding three years from the annual reports on crime in Washington
32 state as published by the Washington association of sheriffs and police
33 chiefs. Moneys shall be distributed under this subsection (1)(a)
34 ratably based on population as last determined by the office of
35 financial management, but no city may receive more than one dollar per
36 capita. Moneys remaining undistributed under this subsection at the
37 end of each calendar year shall be distributed to the criminal justice
38 training commission to reimburse participating city law enforcement

1 agencies with ten or fewer full-time commissioned patrol officers the
2 cost of temporary replacement of each officer who is enrolled in basic
3 law enforcement training, as provided in RCW 43.101.200.

4 (b) Sixteen percent shall be distributed to cities ratably based on
5 population as last determined by the office of financial management,
6 but no city may receive less than one thousand dollars.

7 The moneys deposited in the municipal criminal justice assistance
8 account for distribution under this subsection shall be distributed at
9 such times as distributions are made under RCW 82.44.150.

10 Moneys distributed under this subsection shall be expended
11 exclusively for criminal justice purposes and shall not be used to
12 replace or supplant existing funding. Criminal justice purposes are
13 defined as activities that substantially assist the criminal justice
14 system, which may include circumstances where ancillary benefit to the
15 civil justice system occurs, and which includes domestic violence
16 services such as those provided by domestic violence programs,
17 community advocates, and legal advocates, as defined in RCW 70.123.020.
18 Existing funding for purposes of this subsection is defined as calendar
19 year 1989 actual operating expenditures for criminal justice purposes.
20 Calendar year 1989 actual operating expenditures for criminal justice
21 purposes exclude the following: Expenditures for extraordinary events
22 not likely to reoccur, changes in contract provisions for criminal
23 justice services, beyond the control of the local jurisdiction
24 receiving the services, and major nonrecurring capital expenditures.

25 (2) In addition to the distributions under subsection (1) of this
26 section:

27 (a) Fourteen percent shall be distributed to cities that have
28 initiated innovative law enforcement strategies, including alternative
29 sentencing and crime prevention programs. No city may receive more
30 than one dollar per capita under this subsection (2)(a).

31 (b) Twenty percent shall be distributed to cities that have
32 initiated programs to help at-risk children or child abuse victim
33 response programs. No city may receive more than fifty cents per
34 capita under this subsection (2)(b).

35 (c) Twenty percent shall be distributed to cities that have
36 initiated programs designed to reduce the level of domestic violence
37 within their jurisdictions or to provide counseling for domestic
38 violence victims. No city may receive more than fifty cents per capita
39 under this subsection (2)(c).

1 (d) Ten percent shall be distributed to cities that contract with
2 another governmental agency for a majority of the city's law
3 enforcement services.

4 Moneys distributed under this subsection shall be distributed to
5 those cities that submit funding requests under this subsection to the
6 department of community, trade, and economic development based on
7 criteria developed under RCW 82.14.335. Allocation of funds shall be
8 in proportion to the population of qualified jurisdictions, but the
9 distribution to a city shall not exceed the amount of funds requested.
10 Cities shall submit requests for program funding to the department of
11 community, trade, and economic development by November 1 of each year
12 for funding the following year. The department shall certify to the
13 state treasurer the cities eligible for funding under this subsection
14 and the amount of each allocation.

15 ~~((One half of the moneys distributed under (a) through (d) of this~~
16 ~~subsection shall be distributed on March 1st and the remaining one half~~
17 ~~of the moneys shall be distributed on September 1st)) The moneys
18 deposited in the municipal criminal justice assistance account for
19 distribution under this subsection shall be distributed at the times as
20 distributions are made under RCW 82.44.150. Moneys remaining
21 undistributed under this subsection at the end of each calendar year
22 shall be distributed to the criminal justice training commission to
23 reimburse participating city law enforcement agencies with ten or fewer
24 full-time commissioned patrol officers the cost of temporary
25 replacement of each officer who is enrolled in basic law enforcement
26 training, as provided in RCW 43.101.200.~~

27 If a city is found by the state auditor to have expended funds
28 received under this subsection in a manner that does not comply with
29 the criteria under which the moneys were received, the city shall be
30 ineligible to receive future distributions under this subsection until
31 the use of the moneys are justified to the satisfaction of the director
32 or are repaid to the state general fund. The director may allow
33 noncomplying use of moneys received under this subsection upon a
34 showing of hardship or other emergent need.

35 (3) Notwithstanding other provisions of this section, the
36 distributions to any city that substantially decriminalizes or repeals
37 its criminal code after July 1, 1990, and that does not reimburse the
38 county for costs associated with criminal cases under RCW 3.50.800 or
39 3.50.805(2), shall be made to the county in which the city is located.

1 **Sec. 12.** RCW 41.16.050 and 1986 c 296 s 3 are each amended to read
2 as follows:

3 There is hereby created and established in the treasury of each
4 municipality a fund which shall be known and designated as the
5 firemen's pension fund, which shall consist of: (1) All bequests,
6 fees, gifts, emoluments, or donations given or paid thereto; (2) forty-
7 five percent of all moneys received by the state from taxes on fire
8 insurance premiums; (3) taxes paid pursuant to the provisions of RCW
9 41.16.060; (4) interest on the investments of the fund; and (5)
10 contributions by (~~firemen~~) fire fighters as provided for herein. The
11 moneys received from the tax on fire insurance premiums under the
12 provisions of this chapter shall be distributed in the proportion that
13 the number of paid (~~firemen~~) fire fighters in the city, town, or fire
14 protection district bears to the total number of paid (~~firemen~~) fire
15 fighters throughout the state to be ascertained in the following
16 manner: The secretary of the firemen's pension board of each city,
17 town, and fire protection district now or hereafter coming under the
18 provisions of this chapter shall within thirty days after June 7, 1961,
19 and on or before the fifteenth day of January thereafter, certify to
20 the state treasurer the number of paid (~~firemen~~) fire fighters in the
21 fire department in such city, town, or fire protection district. For
22 any city or town annexed by a fire protection district at any time
23 before, on, or after the effective date of this section, the city or
24 town shall continue to certify to the state treasurer the number of
25 paid fire fighters in the city or town fire department immediately
26 before annexation until all obligations against the firemen's pension
27 fund in the city or town have been satisfied. For the purposes of the
28 calculation in this section, the state treasurer shall subtract the
29 number certified by the annexed city or town from the number of paid
30 fire fighters certified by an annexing fire protection district. The
31 state treasurer shall on or before the first day of June of each year
32 deliver to the treasurer of each city, town, and fire protection
33 district coming under the provisions of this chapter his or her
34 warrant, payable to each city, town, or fire protection district for
35 the amount due such city, town or fire protection district ascertained
36 as herein provided and the treasurer of each such city, town, or fire
37 protection district shall place the amount thereof to the credit of the
38 firemen's pension fund of such city, town, or fire protection district.

1 NEW SECTION. **Sec. 13.** Section 11 of this act is necessary for the
2 immediate preservation of the public peace, health, or safety, or
3 support of the state government and its existing public institutions,
4 and shall take effect March 1, 1994.

5 NEW SECTION. **Sec. 14.** A new section is added to chapter 35.21 RCW
6 to read as follows:

7 (1) Except as otherwise provided in subsection (2) of this section,
8 nothing in this chapter authorizes a city or town that provides water
9 or sewer service outside the corporate boundaries of the city or town
10 to require, as condition of providing water or sewer service, the
11 property owner who has requested water or sewer service to agree to:

12 (a) Lot sizes different from those required by the jurisdiction
13 with zoning authority over the property; or

14 (b) Other development or design requirements not required by the
15 local government with jurisdiction over the property.

16 (2) A city or town may impose conditions not otherwise allowed
17 under subsection (1) of this section if:

18 (a) The conditions are reasonably necessary to the proper
19 functioning of the water or sewer service; or

20 (b) The local government with jurisdiction over the property
21 concurs with the conditions during review pursuant to chapter 43.21C
22 RCW, interlocal cooperation agreement under chapter 39.34 RCW, or the
23 project approval process.

24 NEW SECTION. **Sec. 15.** A new section is added to chapter 35.92 RCW
25 to read as follows:

26 (1) Except as otherwise provided in subsection (2) of this section,
27 nothing in this chapter authorizes a city or town that provides water
28 or sewer service outside the corporate boundaries of the city or town
29 to require, as condition of providing water or sewer service, the
30 property owner who has requested water or sewer service to agree to:

31 (a) Lot sizes different from those required by the jurisdiction
32 with zoning authority over the property; or

33 (b) Other development or design requirements not required by the
34 local government with jurisdiction over the property.

35 (2) A city or town may impose conditions not otherwise allowed
36 under subsection (1) of this section if:

1 (a) The conditions are reasonably necessary to the proper
2 functioning of the water or sewer service; or

3 (b) The local government with jurisdiction over the property
4 concurs with the conditions during review pursuant to chapter 43.21C
5 RCW, interlocal cooperation agreement under chapter 39.34 RCW, or the
6 project approval process.

7 NEW SECTION. **Sec. 16.** Sections 14 and 15 of this act shall take
8 effect July 1, 1994.

9 NEW SECTION. **Sec. 17.** (1) Sections 14 and 15 of this act do not
10 apply to any application for a plat or subdivision subject to chapter
11 58.17 RCW and filed before July 1, 1994. Nor do such sections apply to
12 any land located within such a plat or subdivision.

13 (2) Nothing in subsection (1) of this section and sections 14 and
14 15 of this act shall be construed to affect, in any manner whatsoever,
15 the validity or invalidity of any city's or town's regulations or
16 restrictions with respect to applications and lands that, under
17 subsection (1) of this section, are excluded from the application of
18 sections 14 and 15 of this act. It is the intent of the legislature
19 that any legal questions concerning the authority of a city or town to
20 apply such regulations or restrictions to such excluded applications
21 and lands shall be determined as if subsection (1) of this section and
22 sections 14 and 15 of this act were not law."

--- END ---