

2 **2ESHB 1464** - S AMD - (Floor Amendment 001039)

3 By Senators Haugen, Gaspard, McAuliffe, Loveland and Skratek

4 ADOPTED 4/30/93

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

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 42.12 RCW
8 to read as follows:

9 A vacancy on an elected nonpartisan governing body of a special
10 purpose district where property ownership is not a qualification to
11 vote, a town, or a city other than a first class city or a charter code
12 city, shall be filled as follows unless the provisions of law relating
13 to the special district, town, or city provide otherwise:

14 (1) Where one position is vacant, the remaining members of the
15 governing body shall appoint a qualified person to fill the vacant
16 position.

17 (2) Where two or more positions are vacant and two or more members
18 of the governing body remain in office, the remaining members of the
19 governing body shall appoint a qualified person to fill one of the
20 vacant positions, the remaining members of the governing body and the
21 newly appointed person shall appoint another qualified person to fill
22 another vacant position, and so on until each of the vacant positions
23 is filled with each of the new appointees participating in each
24 appointment that is made after his or her appointment.

25 (3) If less than two members of a governing body remain in office,
26 the county legislative authority of the county in which all or the
27 largest geographic portion of the city, town, or special district is
28 located shall appoint a qualified person or persons to the governing
29 body until the governing body has two members.

30 (4) If a governing body fails to appoint a qualified person to fill
31 a vacancy within ninety days of the occurrence of the vacancy, the
32 authority of the governing body to fill the vacancy shall cease and the
33 county legislative authority of the county in which all or the largest
34 geographic portion of the city, town, or special district is located
35 shall appoint a qualified person to fill the vacancy.

1 (5) If the county legislative authority of the county fails to
2 appoint a qualified person within one hundred eighty days of the
3 occurrence of the vacancy, the county legislative authority or the
4 remaining members of the governing body of the city, town, or special
5 district may petition the governor to appoint a qualified person to
6 fill the vacancy. The governor may appoint a qualified person to fill
7 the vacancy after being petitioned if at the time the governor fills
8 the vacancy the county legislative authority has not appointed a
9 qualified person to fill the vacancy.

10 (6) As provided in RCW 29.15.190 and 29.21.410, each person who is
11 appointed shall serve until a qualified person is elected at the next
12 election at which a member of the governing body normally would be
13 elected that occurs twenty-eight or more days after the occurrence of
14 the vacancy. If needed, special filing periods shall be authorized as
15 provided in RCW 29.15.170 and 29.15.180 for qualified persons to file
16 for the vacant office. A primary shall be held to nominate candidates
17 if sufficient time exists to hold a primary and more than two
18 candidates file for the vacant office. Otherwise, a primary shall not
19 be held and the person receiving the greatest number of votes shall be
20 elected. The person elected shall take office immediately and serve
21 the remainder of the unexpired term.

22 If an election for the position that became vacant would otherwise
23 have been held at this general election date, only one election to fill
24 the position shall be held and the person elected to fill the
25 succeeding term for that position shall take office immediately when
26 qualified as defined in RCW 29.01.135 and shall service both the
27 remainder of the unexpired term and the succeeding term.

28 **Sec. 2.** RCW 42.12.010 and 1981 c 180 s 4 are each amended to read
29 as follows:

30 Every elective office shall become vacant on the happening of any
31 of the following events:

32 (1) The death of the incumbent;

33 (2) His or her resignation. A vacancy caused by resignation shall
34 be deemed to occur upon the effective date of the resignation;

35 (3) His or her removal;

36 (4) His or her ceasing to be a legally ~~((qualified elector))~~
37 registered voter of the district, county, city, town, or other
38 municipal or quasi municipal corporation from which he or she shall

1 have been elected or appointed, including where applicable the council
2 district, commissioner district, or ward from which he or she shall
3 have been elected or appointed;

4 (5) His or her conviction of a felony, or of any offense involving
5 a violation of his or her official oath;

6 (6) His or her refusal or neglect to take his or her oath of
7 office, or to give or renew his or her official bond, or to deposit
8 such oath or bond within the time prescribed by law;

9 (7) The decision of a competent tribunal declaring void his or her
10 election or appointment; or

11 (8) Whenever a judgment shall be obtained against that incumbent
12 for breach of the condition of his or her official bond.

13 **Sec. 3.** RCW 43.06.010 and 1992 c 172 s 1 are each amended to read
14 as follows:

15 In addition to those prescribed by the Constitution, the governor
16 may exercise the powers and perform the duties prescribed in this and
17 the following sections:

18 (1) The governor shall supervise the conduct of all executive and
19 ministerial offices;

20 (2) The governor shall see that all offices are filled, including
21 as provided in section 1 of this act and the duties thereof performed,
22 or in default thereof, apply such remedy as the law allows; and if the
23 remedy is imperfect, acquaint the legislature therewith at its next
24 session;

25 (3) The governor shall make the appointments and supply the
26 vacancies mentioned in this title;

27 (4) The governor is the sole official organ of communication
28 between the government of this state and the government of any other
29 state or territory, or of the United States;

30 (5) Whenever any suit or legal proceeding is pending against this
31 state, or which may affect the title of this state to any property, or
32 which may result in any claim against the state, the governor may
33 direct the attorney general to appear on behalf of the state, and
34 report the same to the governor, or to any grand jury designated by the
35 governor, or to the legislature when next in session;

36 (6) The governor may require the attorney general or any
37 prosecuting attorney to inquire into the affairs or management of any
38 corporation existing under the laws of this state, or doing business in

1 this state, and report the same to the governor, or to any grand jury
2 designated by the governor, or to the legislature when next in session;

3 (7) The governor may require the attorney general to aid any
4 prosecuting attorney in the discharge of ~~((his))~~ the prosecutor's
5 duties;

6 (8) The governor may offer rewards, not exceeding one thousand
7 dollars in each case, payable out of the state treasury, for
8 information leading to the apprehension of any person convicted of a
9 felony who has escaped from a state correctional institution or for
10 information leading to the arrest of any person who has committed or is
11 charged with the commission of a felony;

12 (9) The governor shall perform such duties respecting fugitives
13 from justice as are prescribed by law;

14 (10) The governor shall issue and transmit election proclamations
15 as prescribed by law;

16 (11) The governor may require any officer or board to make, upon
17 demand, special reports to the governor, in writing;

18 (12) The governor may, after finding that a public disorder,
19 disaster, energy emergency, or riot exists within this state or any
20 part thereof which affects life, health, property, or the public peace,
21 proclaim a state of emergency in the area affected, and the powers
22 granted the governor during a state of emergency shall be effective
23 only within the area described in the proclamation;

24 (13) The governor shall, when appropriate, submit to the select
25 joint committee created by RCW 43.131.120, lists of state agencies, as
26 defined by RCW 43.131.030, which agencies might appropriately be
27 scheduled for termination by a bill proposed by the select joint
28 committee;

29 (14) The governor may, after finding that there exists within this
30 state an imminent danger of infestation of plant pests as defined in
31 RCW 17.24.007 or plant diseases which seriously endangers the
32 agricultural or horticultural industries of the state of Washington, or
33 which seriously threatens life, health, or economic well-being, order
34 emergency measures to prevent or abate the infestation or disease
35 situation, which measures, after thorough evaluation of all other
36 alternatives, may include the aerial application of pesticides;

37 (15) On all compacts forwarded to the governor pursuant to RCW
38 9.46.360(6), the governor is authorized and empowered to execute on
39 behalf of the state compacts with federally recognized Indian tribes in

1 the state of Washington pursuant to the federal Indian Gaming
2 Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III
3 gaming, as defined in the Act, on Indian lands.

4 **Sec. 4.** RCW 14.08.304 and 1979 ex.s. c 126 s 3 are each amended to
5 read as follows:

6 The board of airport district commissioners shall consist of three
7 members(~~(, who shall each be a registered voter and actually a resident~~
8 ~~of the district)~~). The first commissioners shall be appointed by the
9 county legislative authority. At the next general district election,
10 held as provided in RCW 29.13.020, three airport district commissioners
11 shall be elected. The terms of office of airport district
12 commissioners shall be two years, or until their successors are elected
13 and qualified and have assumed office in accordance with RCW 29.04.170.
14 Members of the board of airport district commissioners shall be elected
15 at each regular district general election on a nonpartisan basis in
16 accordance with the general election law. (~~(They shall be nominated by~~
17 ~~petition of ten registered voters of the district.)~~) Vacancies on the
18 board of airport district commissioners shall occur and shall be filled
19 (~~(by appointment by the remaining commissioners)~~) as provided in
20 chapter 42.12 RCW. Members of the board of airport district
21 commissioners shall receive no compensation for their services, but
22 shall be reimbursed for actual necessary traveling and sustenance
23 expenses incurred while engaged on official business.

24 **Sec. 5.** RCW 28A.315.520 and 1971 c 53 s 4 are each amended to read
25 as follows:

26 A majority of all members of the board of directors shall
27 constitute a quorum. Absence of any board member from four consecutive
28 regular meetings of the board, unless on account of sickness or
29 authorized by resolution of the board, shall be sufficient cause for
30 the remaining members of the board to declare by resolution that such
31 board member position is vacated. In addition, vacancies shall occur
32 as provided in RCW 42.12.010.

33 **Sec. 6.** RCW 29.15.050 and 1990 c 59 s 85 are each amended to read
34 as follows:

35 A filing fee of one dollar shall accompany each declaration of
36 candidacy for precinct committee officer; a filing fee of (~~(ten)~~)

1 twenty dollars shall accompany the declaration of candidacy for any
2 office with a fixed annual salary of one thousand dollars or less; a
3 filing fee equal to one percent of the annual salary of the office at
4 the time of filing shall accompany the declaration of candidacy for any
5 office with a fixed annual salary of more than one thousand dollars per
6 annum. No filing fee need accompany a declaration of candidacy for any
7 office for which compensation is on a per diem or per meeting attended
8 basis, nor for the filing of any declaration of candidacy by a write-in
9 candidate.

10 A candidate who lacks sufficient assets or income at the time of
11 filing to pay the filing fee required by this section shall submit with
12 his or her declaration of candidacy a nominating petition. The
13 petition shall contain not less than a number of signatures of
14 registered voters equal to the number of dollars of the filing fee.
15 The signatures shall be of voters registered to vote within the
16 jurisdiction of the office for which the candidate is filing.

17 When the candidacy is for(~~(~~
18 ~~(1))~~) a legislative or judicial office that includes territory from
19 more than one county, the fee shall be paid to the secretary of state
20 for equal division between the treasuries of the counties comprising
21 the district.

22 ~~((2) A city or town office, the fee shall be paid to the county~~
23 ~~auditor who shall transmit it to the city or town clerk for deposit in~~
24 ~~the city or town treasury.))~~

25 **Sec. 7.** RCW 29.15.120 and 1990 c 59 s 86 are each amended to read
26 as follows:

27 A candidate may withdraw his or her declaration of candidacy at any
28 time before the close of business on the Thursday following the last
29 day for candidates to file under RCW 29.15.020 by filing, with the
30 officer with whom the declaration of candidacy was filed, a signed
31 request that his or her name not be printed on the ballot. There shall
32 be no withdrawal period for declarations of candidacy filed during
33 special filing periods held under this title. The filing officer may
34 permit the withdrawal of a filing for the office of precinct committee
35 officer at the request of the candidate at any time if no absentee
36 ballots have been issued for that office and the general election
37 ballots for that precinct have not been printed. The filing officer
38 may permit the withdrawal of a filing for any elected office of a city,

1 town, or special district at the request of the candidate at any time
2 before a primary if the primary ballots for that city, town, or special
3 district have not been ordered. No filing fee may be refunded to any
4 candidate who withdraws under this section. Notice of the deadline for
5 withdrawal of candidacy and that the filing fee is not refundable shall
6 be given to each candidate at the time he or she files.

7 NEW SECTION. **Sec. 8.** A new section is added to chapter 29.15 RCW
8 to read as follows:

9 Each person who files a declaration of candidacy for an elected
10 office of a city, town, or special district shall be given written
11 notice of the date by which a candidate may withdraw his or her
12 candidacy under RCW 29.15.120.

13 **Sec. 9.** RCW 29.15.200 and 1975-'76 2nd ex.s. c 120 s 13 are each
14 amended to read as follows:

15 If, after both the normal filing period and special three day
16 filing period as provided by RCW 29.15.170 and 29.15.180(~~(, as now or~~
17 ~~hereafter amended,)~~) have passed (~~(and still)~~), no candidate has filed
18 for any single city, town, or district position to be filled, the
19 election for such position shall be deemed lapsed, the office deemed
20 stricken from the ballot and no write-in votes counted. In such
21 instance, the incumbent occupying such position shall remain in office
22 and continue to serve until (~~(his)~~) a successor is elected at the next
23 election when such positions are voted upon (~~(as provided by RCW~~
24 ~~29.21.410, as now or hereafter amended)~~).

25 NEW SECTION. **Sec. 10.** A new section is added to chapter 35.02 RCW
26 to read as follows:

27 An election shall be held to elect city or town elected officials
28 at the next municipal general election occurring more than twelve
29 months after the date of the first election of councilmembers or
30 commissioners. Candidates shall run for specific council or commission
31 positions. The staggering of terms of members of the city or town
32 council shall be established at this election, where the simple
33 majority of the persons elected as councilmembers receiving the
34 greatest numbers of votes shall be elected to four-year terms of office
35 and the remainder of the persons elected as councilmembers shall be
36 elected to two-year terms of office. Newly elected councilmembers or

1 newly elected commissioners shall serve until their successors are
2 elected and qualified. The terms of office of newly elected
3 commissioners shall not be staggered, as provided in chapter 35.17 RCW.
4 All councilmembers and commissioners who are elected subsequently shall
5 be elected to four-year terms of office and shall serve until their
6 successors are elected and qualified and assume office in accordance
7 with RCW 29.04.170.

8 **Sec. 11.** RCW 35.17.020 and 1979 ex.s. c 126 s 17 are each amended
9 to read as follows:

10 All regular elections in cities organized under the statutory
11 commission form of government shall be held quadrennially in the odd-
12 numbered years on the dates provided in RCW 29.13.020. The
13 commissioners shall be nominated and elected at large. Their terms
14 shall be for four years and until their successors are elected and
15 qualified and assume office in accordance with RCW 29.04.170. ~~((If a
16 vacancy occurs in the commission the remaining members shall appoint a
17 person to fill it for the unexpired term.))~~ Vacancies on a commission
18 shall occur and shall be filled as provided in chapter 42.12 RCW,
19 except that in every instance a person shall be elected to fill the
20 remainder of the unexpired term at the next general municipal election
21 that occurs twenty-eight or more days after the occurrence of the
22 vacancy.

23 **Sec. 12.** RCW 35.17.400 and 1979 ex.s. c 126 s 18 are each amended
24 to read as follows:

25 The first election of commissioners shall be held ~~((within))~~ at the
26 next special election that occurs at least sixty days after the
27 ~~((adoption of))~~ election results are certified where the proposition to
28 organize under the commission form was approved by city voters, and the
29 commission first elected shall commence to serve as soon as they have
30 been elected and have qualified and shall continue to serve until their
31 successors have been elected and qualified and have assumed office in
32 accordance with RCW 29.04.170. The date of the second election for
33 commissioners shall be in accordance with RCW 29.13.020 such that the
34 term of the first commissioners will be as near as possible to, but not
35 in excess of, four years calculated from the first day in January in
36 the year after the year in which the first commissioners were elected.

1 **Sec. 13.** RCW 35.18.020 and 1981 c 260 s 7 are each amended to read
2 as follows:

3 (1) The number of ~~((councilmen))~~ councilmembers in a city or town
4 operating with a council-manager plan of government shall be ~~((in~~
5 ~~proportion to the population of the city or town indicated in its~~
6 ~~petition for incorporation and thereafter shall be in proportion to its~~
7 ~~population as last))~~ based upon the latest population of the city or
8 town that is determined by the office of financial management as
9 follows:

10 (a) A city or town having not more than two thousand inhabitants,
11 five ~~((councilmen))~~ councilmembers; and

12 (b) A city or town having more than two thousand, seven
13 ~~((councilmen))~~ councilmembers.

14 (2) ~~((All councilmen shall be elected at large or from such wards~~
15 ~~or districts as may be established by ordinance, and shall serve for a~~
16 ~~term of four years and until their successors are elected and qualified~~
17 ~~and assume office in accordance with RCW 29.04.170: PROVIDED, HOWEVER,~~
18 ~~That at the first general municipal election held in the city in~~
19 ~~accordance with RCW 29.13.020, after the election approving the~~
20 ~~council-manager plan, the following shall apply:~~

21 ~~(a) One councilman shall be nominated and elected from each ward or~~
22 ~~such other existing district of said city as may have been established~~
23 ~~for the election of members of the legislative body of the city and the~~
24 ~~remaining councilmen shall be elected at large; but if there are no~~
25 ~~such wards or districts in the city, or at an initial election for the~~
26 ~~incorporation of a community, the councilmen shall be elected at large.~~

27 ~~(b) In cities electing five councilmen, the candidates having the~~
28 ~~three highest number of votes shall be elected for a four year term and~~
29 ~~the other two for a two year term commencing immediately when qualified~~
30 ~~in accordance with RCW 29.01.135 and continuing until their successors~~
31 ~~are elected and qualified and have assumed office in accordance with~~
32 ~~RCW 29.04.170.~~

33 ~~(c) In cities electing seven councilmen, the candidates having the~~
34 ~~four highest number of votes shall be elected for a four year term and~~
35 ~~the other three for a two year term commencing immediately when~~
36 ~~qualified in accordance with RCW 29.01.135 and continuing until their~~
37 ~~successors are elected and qualified and have assumed office in~~
38 ~~accordance with RCW 29.04.170.~~

1 ~~(d) In determining the candidates receiving the highest number of~~
2 ~~votes, only the candidate receiving the highest number of votes in each~~
3 ~~ward, as well as the councilman at large or councilmen at large, are to~~
4 ~~be considered))~~ Except for the initial staggering of terms,
5 councilmembers shall serve for four-year terms of office. All
6 councilmembers shall serve until their successors are elected and
7 qualified and assume office in accordance with RCW 29.04.170.
8 Councilmembers may be elected on a city-wide or town-wide basis, or
9 from wards or districts, or any combination of these alternatives.
10 Candidates shall run for specific positions. Wards or districts shall
11 be redrawn as provided in chapter 29.70 RCW. Wards or districts shall
12 be used as follows: (a) Only a resident of the ward or district may be
13 a candidate for, or hold office as, a councilmember of the ward or
14 district; and (b) only voters of the ward or district may vote at a
15 primary to nominate candidates for a councilmember of the ward or
16 district. Voters of the entire city or town may vote at the general
17 election to elect a councilmember of a ward or district, unless the
18 city or town had prior to January 1, 1993, limited the voting in the
19 general election for any or all council positions to only voters
20 residing within the ward or district associated with the council
21 positions. If a city or town had so limited the voting in the general
22 election to only voters residing within the ward or district, then the
23 city or town shall be authorized to continue to do so.

24 (3) When a ~~((municipality))~~ city or town has qualified for an
25 increase in the number of ~~((councilmen))~~ councilmembers from five to
26 seven by virtue of the next succeeding population determination made by
27 the office of financial management ~~((after the majority of the voters~~
28 ~~thereof have approved operation under the council manager plan))~~, two
29 additional council positions shall be filled at the ((first)) next
30 municipal general election ((when two additional councilmen are to be
31 elected, one of the two additional councilmen receiving)) with the
32 person elected to one of the new council positions receiving the
33 ((highest)) greatest number of votes ((shall be)) being elected for a
34 four-year term of office and the person elected to the other additional
35 ((councilman shall be)) council position being elected for a two-year
36 term of office. The ((terms of the)) two additional ((councilmen))
37 councilmembers shall ((commence)) assume office immediately when
38 qualified in accordance with RCW 29.01.135, but the term of office
39 shall be computed from the first day of January after the year in which

1 they are elected. Their successors shall be elected to four-year terms
2 of office.

3 ~~((4) In the event such population determination as provided in~~
4 ~~subsection (3) of this section requires an increase in the number of~~
5 ~~councilmen)) Prior to the election of the two new councilmembers, the~~
6 ~~city or town council shall fill the additional ((councilmanic))~~
7 ~~positions by appointment not later than ((thirty)) forty-five days~~
8 ~~following the release of ((said)) the population determination, and~~
9 ~~((the)) each appointee shall hold office only until ((the next regular~~
10 ~~city or town election at which a person shall be elected to serve for~~
11 ~~the remainder of the unexpired term. In the event such population~~
12 ~~determination results in a decrease in the number of councilmen, said~~
13 ~~decrease shall not take effect until the next regular city or town~~
14 ~~election: PROVIDED, That)) the new position is filled by election.~~

15 (4) When a city or town has qualified for a decrease in the number
16 of councilmembers from seven to five by virtue of the next succeeding
17 population determination made by the office of financial management,
18 two council positions shall be eliminated at the next municipal general
19 election if four council positions normally would be filled at that
20 election, or one council position shall be eliminated at each of the
21 next two succeeding municipal general elections if three council
22 positions normally would be filled at the first municipal general
23 election after the population determination. The council shall by
24 ordinance indicate which, if any, of the remaining positions shall be
25 elected at-large or from wards or districts.

26 ~~((If a vacancy in the council occurs, the remaining members~~
27 ~~shall appoint a person to fill such office only until the next regular~~
28 ~~general municipal election at which a person shall be elected to serve~~
29 ~~for the remainder of the unexpired term)) Vacancies on a council shall~~
30 ~~occur and shall be filled as provided in chapter 42.12 RCW.~~

31 **Sec. 14.** RCW 35.18.270 and 1979 ex.s. c 126 s 20 are each amended
32 to read as follows:

33 If the majority of the votes cast at a special election for
34 organization on the council-manager plan favor the plan, the city or
35 town ~~((at its next regular election))~~ shall elect the council required
36 under the council-manager plan in number according to ~~((the))~~ its
37 population ~~((of the municipality: PROVIDED, That if the date of the~~
38 ~~next municipal general election is more than one year from the date of~~

1 the election approving the council manager plan, a special election
2 shall be held to elect the councilmen; the newly elected councilmen
3 shall assume office immediately when they are qualified in accordance
4 with RCW 29.01.135 following the canvass of votes as certified and
5 shall remain in office until their successors are elected at the next
6 general municipal election: PROVIDED, That such successor shall hold
7 office for staggered terms as provided in RCW 35.18.020 as now or
8 hereafter amended. Councilmen shall take office at the time provided
9 by general law. Declarations of candidacy for city or town elective
10 positions under the council manager plan for cities and towns shall be
11 filed with the county auditor as the case may be not more than forty-
12 five nor less than thirty days prior to said special election to elect
13 the members of the city council. Any candidate may file a written
14 declaration of withdrawal at any time within five days after the last
15 day for filing a declaration of candidacy. All names of candidates to
16 be voted upon shall be printed upon the ballot alphabetically in group
17 under the designation of the title of the offices for which they are
18 candidates. There shall be no rotation of names)) at the next
19 municipal general election. However, special elections shall be held
20 to nominate and elect the new city councilmembers at the next primary
21 and general election held in an even-numbered year if the next
22 municipal general election is more than one year after the date of the
23 election at which the voters approved the council-manager plan. The
24 staggering of terms of office shall occur at the election when the new
25 councilmembers are elected, where the simple majority of the persons
26 elected as councilmembers receiving the greatest numbers of votes shall
27 be elected to four-year terms of office if the election is held in an
28 odd-numbered year, or three-year terms of office if the election is
29 held in an even-numbered year, and the remainder of the persons elected
30 as councilmembers shall be elected to two-year terms of office if the
31 election is held in an odd-numbered year, or one-year terms of office
32 if the election is held in an even-numbered year. The initial
33 councilmembers shall take office immediately when they are elected and
34 qualified, but the lengths of their terms of office shall be calculated
35 from the first day in January in the year following the election.

36 **Sec. 15.** RCW 35.23.050 and 1965 c 7 s 35.23.050 are each amended
37 to read as follows:

1 All municipal elections held under the provisions of this chapter
2 shall be conducted according to the general election laws of this
3 state(~~(, as far as practicable: PROVIDED, That any qualified voter of~~
4 ~~such city, duly registered for the general county or state election~~
5 ~~next preceding any municipal election, general or special, shall be~~
6 ~~qualified to vote at such municipal election. No person shall be~~
7 ~~qualified to vote at such election unless he is a qualified elector of~~
8 ~~the county and has resided in such city for at least thirty days next~~
9 ~~preceding such election))).~~

10 **Sec. 16.** RCW 35.23.240 and 1965 c 7 s 35.23.240 are each amended
11 to read as follows:

12 The city council may declare an office vacant: (1) If anyone
13 either elected or appointed to that office fails for ten days to
14 qualify as required by law or fails to enter upon ((his)) the duties of
15 that office at the time fixed by law or the orders of the city council,
16 ((his)) the office shall become vacant; or (2) if such an officer
17 ((absents himself)) who serves for compensation is absent from the city
18 without the consent of the city council for three consecutive weeks or
19 openly neglects or refuses to discharge ((his)) the duties(~~(, the~~
20 ~~council may declare his office vacant: PROVIDED, That this penalty for~~
21 ~~absence from the city shall not apply to such officers as serve without~~
22 ~~compensation.~~

23 ~~If a vacancy occurs by reason of death, resignation, or otherwise~~
24 ~~in the office of mayor or councilman, the city council shall fill the~~
25 ~~vacancy until the next general municipal election)) of that office. In
26 addition, a vacancy in an elective office shall occur and shall be
27 filled as provided in chapter 42.12 RCW.~~

28 If a vacancy occurs ((by reason of death, resignation, or
29 otherwise)) in any other office it shall be filled by appointment of
30 the mayor and confirmed by the council in the same manner as other
31 appointments are made.

32 **Sec. 17.** RCW 35.23.530 and 1965 c 7 s 35.23.530 are each amended
33 to read as follows:

34 At any time not within three months previous to an annual election
35 the city council of a second class city may divide the city into wards,
36 not exceeding six in all, or change the boundaries of existing wards.
37 No change in the boundaries of wards shall affect the term of any

1 (~~councilman, but he~~) councilmember, and councilmembers shall serve
2 out (~~his~~) their terms in the wards of (~~his~~) their residences at the
3 time of (~~his election:— PROVIDED, That if this results~~) their
4 elections. However, if these boundary changes result in one ward being
5 represented by more (~~councilmen~~) councilmembers than the number to
6 which it is entitled, those having the shortest unexpired terms shall
7 be assigned by the council to wards where there is a vacancy, and the
8 councilmembers so assigned shall be deemed to be residents of the wards
9 to which they are assigned for purposes of determining whether those
10 positions are vacant.

11 The representation of each ward in the city council shall be in
12 proportion to the population as nearly as is practicable.

13 (~~No person shall be eligible to the office of councilman unless he~~
14 ~~resides in the ward for which he is elected on the date of his election~~
15 ~~and removal of his residence from the ward for which he was elected~~
16 ~~renders his office vacant.~~)

17 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards
18 shall be used as follows: (1) Only a resident of the ward may be a
19 candidate for, or hold office as, a councilmember of the ward; and (2)
20 only voters of the ward may vote at a primary to nominate candidates
21 for a councilmember of the ward. Voters of the entire city may vote at
22 the general election to elect a councilmember of a ward, unless the
23 city had prior to January 1, 1993, limited the voting in the general
24 election for any or all council positions to only voters residing
25 within the ward associated with the council positions. If a city had
26 so limited the voting in the general election to only voters residing
27 within the ward, then the city shall be authorized to continue to do
28 so. The elections for the remaining council position or council
29 positions that are not associated with a ward shall be conducted as if
30 the wards did not exist.

31 **Sec. 18.** RCW 35.24.050 and 1979 ex.s. c 126 s 22 are each amended
32 to read as follows:

33 General municipal elections in third class cities not operating
34 under the commission form of government shall be held biennially in the
35 odd-numbered years (~~as provided in RCW 29.13.020~~) and shall be
36 subject to general election law.

37 The terms of office of the mayor, city attorney, clerk, and
38 treasurer shall be four years and until their successors are elected

1 and qualified and assume office in accordance with RCW 29.04.170:
2 PROVIDED, That if the offices of city attorney, clerk, and treasurer
3 are made appointive, the city attorney, clerk, and treasurer shall not
4 be appointed for a definite term: PROVIDED FURTHER, That the term of
5 the elected treasurer shall not commence in the same biennium in which
6 the term of the mayor commences, nor in which the terms of the city
7 attorney and clerk commence if they are elected.

8 ~~((A councilman at large shall be elected biennially for a two-year
9 term and until his or her successor is elected and qualified and
10 assumes office in accordance with RCW 29.04.170. Of the other six
11 councilmen, three shall be elected in each biennial general municipal
12 election for terms of four years and until their successors are elected
13 and qualified and assume))~~ Council positions shall be numbered in each
14 third class city so that council position seven has a two-year term of
15 office and council positions one through six shall each have four-year
16 terms of office. Each councilmember shall remain in office until a
17 successor is elected and qualified and assumes office in accordance
18 with RCW 29.04.170.

19 In its discretion the council of a third class city may divide the
20 city by ordinance into a convenient number of wards, not exceeding six,
21 fix the boundaries of the wards, and change the ward boundaries from
22 time to time and as provided in RCW 29.70.100. No change in the
23 boundaries of any ward shall be made within one hundred twenty days
24 next before the date of a general municipal election, nor within twenty
25 months after the wards have been established or altered. However, if
26 a boundary change results in one ward being represented by more
27 councilmembers than the number to which it is entitled, those having
28 the shortest unexpired terms shall be assigned by the council to wards
29 where there is a vacancy, and the councilmembers so assigned shall be
30 deemed to be residents of the wards to which they are assigned for
31 purposes of determining whether those positions are vacant. Whenever
32 such city is so divided into wards, the city council shall designate by
33 ordinance the number of councilmembers to be elected from each ward,
34 apportioning the same in proportion to the population of the wards.
35 Council position seven shall not be associated with a ward and the
36 person elected to that position may reside anywhere in the city and
37 voters throughout the city may vote at a primary to nominate candidates
38 for position seven, when a primary is necessary, and at a general
39 election to elect the person to council position seven. When

1 additional territory is added to the city it may by act of the council,
2 be annexed to contiguous wards without affecting the right to
3 redistrict at the expiration of twenty months after last previous
4 division. Wards shall be redrawn as provided in chapter 29.70 RCW.
5 Wards shall be used as follows: (1) Only a resident of the ward may be
6 a candidate for, or hold office as, a councilmember of the ward; and
7 (2) only voters of the ward may vote at a primary to nominate
8 candidates for a councilmember of the ward. Voters of the entire city
9 may vote at the general election to elect a councilmember of a ward,
10 unless the city had prior to January 1, 1993, limited the voting in the
11 general election for any or all council positions to only voters
12 residing within the ward associated with the council positions. If a
13 city had so limited the voting in the general election to only voters
14 residing within the ward, then the city shall be authorized to continue
15 to do so. The elections for the remaining council position or council
16 positions that are not associated with a ward shall be conducted as if
17 the wards did not exist.

18 **Sec. 19.** RCW 35.24.060 and 1965 c 7 s 35.24.060 are each amended
19 to read as follows:

20 All elections shall be held in accordance with the general election
21 laws of the state (~~((insofar as the same are applicable and no person~~
22 ~~shall be entitled to vote at any election unless he shall be a~~
23 ~~qualified elector of the county and shall have resided in such city for~~
24 ~~at least thirty days next preceding such election))).~~

25 **Sec. 20.** RCW 35.24.100 and 1965 c 7 s 35.24.100 are each amended
26 to read as follows:

27 (~~(In cities of))~~ The council of a third class city may declare a
28 council position vacant if ((a member of the city council absents
29 himself)) that councilmember is absent for three consecutive regular
30 meetings ((thereof, unless by)) without the permission of the
31 council((, his office may be declared vacant by the council.

32 Vacancies in the city council or in the office of mayor shall be
33 filled by majority vote of the council)). In addition, a vacancy in an
34 elective office shall occur and shall be filled as provided in chapter
35 42.12 RCW.

1 Vacancies in offices other than that of mayor or city
2 ((councilman)) councilmember shall be filled by appointment of the
3 mayor.

4 ~~((If a vacancy occurs in an elective office the appointee shall
5 hold office only until the next regular election at which a person
6 shall be elected to serve for the remainder of the unexpired term.))~~

7 If there is a temporary vacancy in an appointive office due to
8 illness, absence from the city or other temporary inability to act, the
9 mayor may appoint a temporary appointee to exercise the duties of the
10 office until the temporary disability of the incumbent is removed.

11 **Sec. 21.** RCW 35.24.290 and 1986 c 278 s 5 are each amended to read
12 as follows:

13 The city council of each third class city shall have power:

14 (1) To pass ordinances not in conflict with the Constitution and
15 laws of this state or of the United States;

16 (2) To prevent and regulate the running at large of any or all
17 domestic animals within the city limits or any part thereof and to
18 cause the impounding and sale of any such animals;

19 (3) To establish, build and repair bridges, to establish, lay out,
20 alter, keep open, open, widen, vacate, improve and repair streets,
21 sidewalks, alleys, squares and other public highways and places within
22 the city, and to drain, sprinkle and light the same; to remove all
23 obstructions therefrom; to establish and reestablish the grades
24 thereof; to grade, plank, pave, macadamize, gravel and curb the same,
25 in whole or in part; to construct gutters, culverts, sidewalks and
26 crosswalks therein or upon any part thereof; to cultivate and maintain
27 parking strips therein, and generally to manage and control all such
28 highways and places; to provide by local assessment for the leveling up
29 and surfacing and oiling or otherwise treating for the laying of dust,
30 all streets within the city limits;

31 (4) To establish, construct and maintain drains and sewers, and
32 shall have power to compel all property owners on streets and alleys or
33 within two hundred feet thereof along which sewers shall have been
34 constructed to make proper connections therewith and to use the same
35 for proper purposes, and in case the owners of the property on such
36 streets and alleys or within two hundred feet thereof fail to make such
37 connections within the time fixed by such council, it may cause such

1 connections to be made and assess against the property served thereby
2 the costs and expenses thereof;

3 (5) To provide fire engines and all other necessary or proper
4 apparatus for the prevention and extinguishment of fires;

5 (6) To impose and collect an annual license on every dog within the
6 limits of the city, to prohibit dogs running at large and to provide
7 for the killing of all dogs not duly licensed found at large;

8 (7) To license, for the purposes of regulation and revenue, all and
9 every kind of business authorized by law, and transacted and carried on
10 in such city, and all shows, exhibitions and lawful games carried on
11 therein and within one mile of the corporate limits thereof, to fix the
12 rate of license tax upon the same, and to provide for the collection of
13 the same by suit or otherwise;

14 (8) To improve rivers and streams flowing through such city, or
15 adjoining the same; to widen, straighten and deepen the channel
16 thereof, and remove obstructions therefrom; to improve the water-front
17 of the city, and to construct and maintain embankments and other works
18 to protect such city from overflow; to prevent the filling of the water
19 of any bay, except such filling over tide or shorelands as may be
20 provided for by order of the city council; to purify and prevent the
21 pollution of streams of water, lakes or other sources of supply, and
22 for this purpose shall have jurisdiction over all streams, lakes or
23 other sources of supply, both within and without the city limits. Such
24 city shall have power to provide by ordinance and to enforce such
25 punishment or penalty as the city council may deem proper for the
26 offense of polluting or in any manner obstructing or interfering with
27 the water supply of such city or source thereof;

28 (9) To erect and maintain buildings for municipal purposes;

29 (10) To permit, under such restrictions as it may deem proper, and
30 to grant franchises for, the laying of railroad tracks, and the running
31 of cars propelled by electric, steam or other power thereon, and the
32 laying of gas and water pipes and steam mains and conduits for
33 underground wires, and to permit the construction of tunnels or subways
34 in the public streets, and to construct and maintain and to permit the
35 construction and maintenance of telegraph, telephone and electric lines
36 therein;

37 ~~(11) ((In its discretion to divide the city by ordinance, into a~~
38 ~~convenient number of wards, not exceeding six, to fix the boundaries~~
39 ~~thereof, and to change the same from time to time: PROVIDED, That no~~

1 change in the boundaries of any ward shall be made within sixty days
2 next before the date of a general municipal election, nor within twenty
3 months after the wards have been established or altered. Whenever such
4 city is so divided into wards, the city council shall designate by
5 ordinance the number of councilmen to be elected from each ward,
6 apportioning the same in proportion to the population of the wards.
7 Thereafter the councilmen so designated shall be elected by the
8 qualified electors resident in such ward, or by general vote of the
9 whole city as may be designated in such ordinance. When additional
10 territory is added to the city it may by act of the council, be annexed
11 to contiguous wards without affecting the right to redistrict at the
12 expiration of twenty months after last previous division. The removal
13 of a councilman from the ward for which he was elected shall create a
14 vacancy in such office;

15 ~~((12))~~) To impose fines, penalties and forfeitures for any and all
16 violations of ordinances, and for any breach or violation of any
17 ordinance to fix the penalty by fine or imprisonment, or both, but no
18 such fine shall exceed five thousand dollars nor the term of such
19 imprisonment exceed the term of one year; or to provide that violations
20 of ordinances constitute a civil violation subject to monetary penalty;

21 ~~((13))~~) (12) To establish fire limits, with proper regulations;

22 ~~((14))~~) (13) To establish and maintain a free public library;

23 ~~((15))~~) (14) To establish and regulate public markets and market
24 places;

25 ~~((16))~~) (15) To punish the keepers and inmates and lessors of
26 houses of ill fame, gamblers and keepers of gambling tables, patrons
27 thereof or those found loitering about such houses and places;

28 ~~((17))~~) (16) To make all such ordinances, bylaws, rules,
29 regulations and resolutions, not inconsistent with the Constitution and
30 laws of the state of Washington, as may be deemed expedient to maintain
31 the peace, good government and welfare of the corporation and its
32 trade, commerce and manufactures, and to do and perform any and all
33 other acts and things necessary or proper to carry out the provisions
34 of this chapter, and to enact and enforce within the limits of such
35 city all other local, police, sanitary and other regulations as do not
36 conflict with general laws;

37 ~~((18))~~) (17) To license steamers, boats and vessels used in any
38 bay or other watercourse in the city and to fix and collect such
39 license; to provide for the regulation of berths, landings, and

1 stations, and for the removing of steamboats, sail boats, sail vessels,
2 rafts, barges and other watercraft; to provide for the removal of
3 obstructions to navigation and of structures dangerous to navigation or
4 to other property, in or adjoining the waterfront, except in
5 municipalities in counties in which there is a city of the first class.

6 **Sec. 22.** RCW 35.27.100 and 1965 c 7 s 35.27.100 are each amended
7 to read as follows:

8 All elections in towns shall be held in accordance with the general
9 election laws of the state(~~(, so far as the same may be applicable; and~~
10 ~~no person shall be entitled to vote at such election, unless he is a~~
11 ~~qualified elector of the county, and has resided in the town for at~~
12 ~~least thirty days next preceding the election))).~~

13 **Sec. 23.** RCW 35.27.140 and 1965 c 7 s 35.27.140 are each amended
14 to read as follows:

15 (~~(If a member of))~~ The council of a town may declare a council
16 position vacant if that councilmember is absent from the town for three
17 consecutive council meetings ((unless by)) without the permission of
18 the council ((his office shall be declared vacant by the council. A
19 vacancy in the office of mayor and vacancies in the council shall be
20 filled by a majority vote of the council)). In addition, a vacancy in
21 an elective office shall occur and shall be filled as provided in
22 chapter 42.12 RCW.

23 A vacancy in any other office shall be filled by appointment by the
24 mayor. (~~(An appointee filling the vacancy in an elective office shall~~
25 ~~hold office only until the next general election at which time a person~~
26 ~~shall be elected to serve for the remainder of the unexpired term~~
27 ~~except that the person appointed to fill a vacancy in the office of~~
28 ~~mayor shall serve for the unexpired term.))~~

29 **Sec. 24.** RCW 35.61.050 and 1979 ex.s. c 126 s 24 are each amended
30 to read as follows:

31 At the same election at which the proposition is submitted to the
32 voters as to whether a metropolitan park district is to be formed, five
33 park commissioners shall be elected (~~(to hold office respectively for~~
34 ~~the following terms: Where the election is held in an odd numbered~~
35 ~~year, one commissioner shall be elected to hold office for two years,~~
36 ~~two shall be elected to hold office for four years, and two shall be~~

1 ~~elect~~ to hold office for six years. Where the election is held in an
2 even-numbered year, one commissioner shall hold office for three years,
3 two shall hold office for five years, and two shall hold office for
4 seven years)). The election of park commissioners shall be null and
5 void if the metropolitan park district is not created. Candidates
6 shall run for specific commission positions. No primary shall be held
7 to nominate candidates. The person receiving the greatest number of
8 votes for each position shall be elected as a commissioner. The
9 staggering of the terms of office shall occur as follows: (1) The two
10 persons who are elected receiving the two greatest numbers of votes
11 shall be elected to six-year terms of office if the election is held in
12 an odd-numbered year or five-year terms of office if the election is
13 held in an even-numbered year; (2) the two persons who are elected
14 receiving the next two greatest numbers of votes shall be elected to
15 four-year terms of office if the election is held in an odd-numbered
16 year or three-year terms of office if the election is held in an even-
17 numbered year; and (3) the other person who is elected shall be elected
18 to a two-year term of office if the election is held in an odd-numbered
19 year or a one-year term of office if the election is held in an even-
20 numbered year. The initial commissioners shall take office immediately
21 when they are elected and qualified, and for purposes of computing
22 their terms of office the terms shall be assumed to commence on the
23 first day of January ((of)) in the year after they are elected. ((The
24 term of each nominee for park commissioner shall be expressed on the
25 ballot.)) Thereafter, all commissioners shall ((serve)) be elected to
26 six-year terms of office ((and)). All commissioners shall serve until
27 their respective successors are elected and qualified and assume office
28 in accordance with RCW 29.04.170. Vacancies shall occur and shall be
29 filled ((by majority action of the remaining commissioners appointing
30 a voter to fill the remainder of the term of the vacant commissioner
31 position)) as provided in chapter 42.12 RCW.

32 **Sec. 25.** RCW 35A.01.070 and 1979 ex.s. c 18 s 1 are each amended
33 to read as follows:

34 Where used in this title with reference to procedures established
35 by this title in regard to a change of plan or classification of
36 government, unless a different meaning is plainly required by the
37 context:

1 (1) "Classify" means a change from a city of the first, second, or
2 third class, or a town, to a code city.

3 (2) "Classification" means either that portion of the general law
4 under which a city or a town operates under Title 35 RCW as a first,
5 second, or third class city, unclassified city, or town, or otherwise
6 as a code city.

7 (3) "Organize" means to provide for officers after becoming a code
8 city, under the same general plan of government under which the city
9 operated prior to becoming a code city, pursuant to RCW 35A.02.055.

10 (4) "Organization" means the general plan of government under which
11 a city operates.

12 (5) "Plan of government" means (~~either the~~) a mayor-council form
13 of government under chapter 35A.12 RCW, council-manager form of
14 government under chapter 35A.13 RCW, or a mayor-council, council-
15 manager, or commission form of government in general that is retained
16 by a noncharter code city as provided in RCW 35A.02.130, without regard
17 to variations in the number of elective offices or whether officers are
18 elective or appointive.

19 (6) "Reclassify" means changing from a code city to the
20 classification, if any, held by such a city immediately prior to
21 becoming a code city.

22 (7) "Reclassification" means changing from city or town operating
23 under Title 35 RCW to a city operating under Title 35A RCW, or vice
24 versa; a change in classification.

25 (8) "Reorganize" means changing the plan of government under which
26 a city or town operates to a different general plan of government, for
27 which an election of new officers under RCW 35A.02.050 is required. A
28 city or town shall not be deemed to have reorganized simply by
29 increasing or decreasing the number of members of its legislative body.

30 (9) "Reorganization" means a change in general plan of government
31 where an election of all new officers is required in order to
32 accomplish this change, but an increase or decrease in the number of
33 members of its legislative body shall not be deemed to constitute a
34 reorganization.

35 **Sec. 26.** RCW 35A.02.050 and 1979 ex.s. c 18 s 7 are each amended
36 to read as follows:

37 The first election of officers where required for reorganization
38 under a different general plan of government newly adopted in a manner

1 provided in RCW 35A.02.020, 35A.02.030, 35A.06.030, or 35A.06.060, as
2 now or hereafter amended, shall be at the next general municipal
3 election if one is to be held more than ninety days but not more than
4 one hundred and eighty days after certification of a reorganization
5 ordinance or resolution, or otherwise at a special election to be held
6 for that purpose in accordance with RCW 29.13.020. In the event that
7 the first election of officers (~~((as herein provided))~~) is to be held at
8 a general municipal election, such election shall be preceded by a
9 primary election pursuant to RCW 29.21.010 and 29.13.070. In the event
10 that the first election of all officers (~~((as herein provided))~~) is to be
11 held at a special election rather than at a general election, and
12 notwithstanding any provisions of any other law to the contrary, such
13 special election shall be preceded by a primary election to be held on
14 a date authorized by RCW 29.13.010, and the persons nominated at that
15 primary election shall be voted upon at the next succeeding special
16 election that is authorized by RCW 29.13.010: PROVIDED, That in the
17 event the ordinances calling for reclassification or reclassification
18 and reorganization under the provisions of Title 35A RCW have been
19 filed with the secretary of state pursuant to RCW 35A.02.040 in an
20 even-numbered year at least ninety days prior to a state general
21 election then the election of new officers shall be concurrent with the
22 state primary and general election and shall be conducted as set forth
23 in (~~(chapter 35A.29 RCW)~~) general election law.

24 Upon reorganization, candidates for all offices shall file or be
25 nominated for and successful candidates shall be elected to specific
26 council positions(~~(, and an)~~). The initial terms (~~((or))~~) of office for
27 those elected at a first election of all officers (~~((to positions one~~
28 ~~and two for a five member council, or positions one through three for~~
29 ~~a seven member council, shall if the election occurs at a general~~
30 ~~municipal election be only until the second Monday in January first~~
31 ~~following the next general municipal election two years hence and if~~
32 ~~the election occurs at a special election, the duration of these~~
33 ~~initial terms shall be until the second Monday in January in the first~~
34 ~~even numbered year that follows the next general municipal election.~~
35 ~~The duration of the initial term attaching to the remaining~~
36 ~~councilmanic positions shall be until the second Monday in January two~~
37 ~~years next thereafter, so that staggered regular four year terms will~~
38 ~~ultimately result. Any declarations of candidacy for any primary or~~
39 ~~other election held pursuant to this section shall be filed as provided~~

1 ~~in RCW 35A.29.110 as now or hereafter amended)) shall be as follows:~~
2 (1) A simple majority of the persons who are elected as councilmembers
3 receiving the greatest numbers of votes and the mayor in a city with a
4 mayor-council plan of government shall be elected to four-year terms of
5 office, if the election is held in an odd-numbered year, or three-year
6 terms of office, if the election is held in an even-numbered year; and
7 (2) the other persons who are elected as councilmembers shall be
8 elected to two-year terms of office, if the election is held in an odd-
9 numbered year, or one-year terms of office, if the election is held in
10 an even-numbered year. The newly elected officials shall take office
11 immediately when they are elected and qualified, but the length of
12 their terms of office shall be calculated from the first day of January
13 in the year following the election. Thereafter, each person elected as
14 a councilmember or mayor in a city with a mayor-council plan of
15 government shall be elected to a four-year term of office. Each
16 councilmember and mayor in a city with a mayor-council plan of
17 government shall serve until a successor is elected and qualified and
18 assumes office as provided in RCW 29.04.170.

19 The former officers shall, upon the election and qualification of
20 new officers, deliver to the proper officers of the reorganized
21 noncharter code city all books of record, documents and papers in their
22 possession belonging to such municipal corporation before the
23 reorganization thereof. ~~((Officers elected at the first election of~~
24 ~~officers held pursuant to this amendatory act shall assume office as~~
25 ~~soon as the election returns have been certified.))~~

26 **Sec. 27.** RCW 35A.02.130 and 1967 ex.s. c 119 s 35A.02.130 are each
27 amended to read as follows:

28 Any incorporated city or town governed under a plan of government
29 authorized prior to the time this title takes effect may become a
30 noncharter code city without changing such plan of government by the
31 use of the petition-for-election or resolution-for-election procedures
32 provided in RCW 35A.02.060 and 35A.02.070 to submit to the voters a
33 proposal that such municipality adopt the classification of noncharter
34 code city while retaining its existing plan of government, and upon a
35 favorable vote on the proposal, such municipality shall be classified
36 as a noncharter code city and retain its old plan of government, such
37 reclassification to be effective upon the filing of the record of such
38 election with the office of the secretary of state. Insofar as the

1 provisions of RCW 35A.02.100 and 35A.02.110 are applicable to an
2 election on such a reclassification proposal they shall apply to such
3 election.

4 **Sec. 28.** RCW 35A.06.020 and 1967 ex.s. c 119 s 35A.06.020 are each
5 amended to read as follows:

6 The classifications of municipalities which existed prior to the
7 time this title goes into effect--first class city, second class city,
8 third class (~~and fourth class~~) city, town, and unclassified city--and
9 the restrictions, limitations, duties, and obligations specifically
10 imposed by law upon such classes of cities and towns, shall have no
11 application to noncharter code cities, but every noncharter code city,
12 by adopting such classification, has elected to be governed by the
13 provisions of this title, with the powers granted hereby. However, any
14 code city that retains its old plan of government is subject to the
15 laws applicable to that old plan of government until the city changes
16 its plan of government to the provisions of either chapter 35A.12 or
17 35A.13 RCW.

18 **Sec. 29.** RCW 35A.06.030 and 1979 ex.s. c 18 s 14 are each amended
19 to read as follows:

20 By use of the resolution for election or petition for election
21 methods described in RCW 35A.06.040, any noncharter code city which has
22 operated for more than six consecutive years under one of the optional
23 plans of government authorized by this title, or for more than a
24 combined total of six consecutive years under a particular plan of
25 government both as a code city and under the same general plan under
26 Title 35 RCW immediately prior to becoming a code city, may abandon
27 such organization and may reorganize and adopt another plan of
28 government authorized for noncharter code cities, but only after having
29 been a noncharter code city for more than one year or a city after
30 operating for more than six consecutive years under a particular plan
31 of government as a noncharter code city (~~or may reclassify and adopt~~
32 ~~a plan of government authorized by the general law for municipalities~~
33 ~~of the highest class for which the population of such city qualifies~~
34 ~~it, or authorized for the class to which such city belonged immediately~~
35 ~~prior to becoming a noncharter code city, if any)): PROVIDED, That~~
36 these limitations shall not apply to a city seeking to adopt a charter.

1 In reorganization under a different general plan of government as
2 a noncharter code city, officers shall all be elected as provided in
3 RCW 35A.02.050. When a noncharter code city adopts a plan of
4 government other than those authorized under Title 35A RCW, such city
5 ceases to be governed under this optional municipal code and shall be
6 classified as a city or town of the class selected in the proceeding
7 for adoption of such new plan, with the powers granted to such class
8 under the general law.

9 **Sec. 30.** RCW 35A.06.050 and 1979 ex.s. c 18 s 15 are each amended
10 to read as follows:

11 The proposal for abandonment of a plan of government as authorized
12 in RCW 35A.06.030 and for adoption of the plan named in the resolution
13 or petition shall be voted upon at the next general municipal election
14 if one is to be held within one hundred and eighty days or otherwise at
15 a special election called for that purpose in accordance with RCW
16 29.13.020. The ballot title and statement of the proposition shall be
17 prepared by the city attorney as provided in RCW 29.27.060 and
18 35A.29.120(~~(, as now or hereafter amended. If the plan proposed in the~~
19 ~~petition is not a plan authorized for noncharter code cities by this~~
20 ~~title, the ballot statement shall clearly set forth that adoption of~~
21 ~~such plan by the voters would require abandonment of the classification~~
22 ~~of noncharter code city and that government would be under the general~~
23 ~~law relating to cities of the class specified in the resolution or~~
24 ~~petition. If the plan proposed in the petition is a plan authorized~~
25 ~~for noncharter code cities the ballot statement shall clearly set forth~~
26 ~~that adoption of such plan by the voters would not affect the~~
27 ~~eligibility of the noncharter code city to be governed under this~~
28 ~~optional municipal code))).~~

29 **Sec. 31.** RCW 35A.12.010 and 1985 c 106 s 1 are each amended to
30 read as follows:

31 The government of any noncharter code city or charter code city
32 electing to adopt the mayor-council plan of government authorized by
33 this chapter shall be vested in an elected mayor and an elected
34 council. The council of a noncharter code city having less than
35 twenty-five hundred inhabitants shall consist of five members; when
36 there are twenty-five hundred or more inhabitants, the council shall
37 consist of seven members: PROVIDED, That if the population of a city

1 after having become a code city decreases from twenty-five hundred or
2 more to less than twenty-five hundred, it shall continue to have a
3 seven member council. If, after a city has become a mayor-council code
4 city, its population increases to twenty-five hundred or more
5 inhabitants, the number of councilmanic offices in such city may
6 increase from five to seven members upon the affirmative vote of a
7 majority of the existing council to increase the number of councilmanic
8 offices in the city. When the population of a mayor-council code city
9 having five councilmanic offices increases to five thousand or more
10 inhabitants, the number of councilmanic offices in the city shall
11 increase from five to seven members. In the event of an increase in
12 the number of councilmanic offices, the city council shall, by majority
13 vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these
14 offices until the next municipal general election, at which election
15 one person shall be elected for a two-year term and one person shall be
16 elected for a four-year term. The number of inhabitants shall be
17 determined by the most recent official state or federal census or
18 determination by the state office of financial management. A charter
19 adopted under the provisions of this title, incorporating the mayor-
20 council plan of government set forth in this chapter, may provide for
21 an uneven number of (~~councilmen~~) councilmembers not exceeding eleven.

22 A noncharter code city of less than five thousand inhabitants which
23 has elected the mayor-council plan of government and which has seven
24 councilmanic offices may establish a five-member council in accordance
25 with the following procedure. At least six months prior to a municipal
26 general election, the city council shall adopt an ordinance providing
27 for reduction in the number of councilmanic offices to five. The
28 ordinance shall specify which two councilmanic offices, the terms of
29 which expire at the next general election, are to be terminated. The
30 ordinance shall provide for the renumbering of council positions and
31 shall also provide for a two-year extension of the term of office of a
32 retained councilmanic office, if necessary, in order to comply with RCW
33 35A.12.040.

34 However, a noncharter code city that has retained its old mayor-
35 council plan of government, as provided in RCW 35A.02.130, is subject
36 to the laws applicable to that old plan of government.

37 **Sec. 32.** RCW 35A.12.040 and 1979 ex.s. c 18 s 21 are each amended
38 to read as follows:

1 Officers shall be elected at biennial municipal elections to be
2 conducted as provided in chapter 35A.29 RCW. The mayor and the
3 ((councilmen)) councilmembers shall be elected for four-year terms of
4 office and until their successors are elected and qualified(~~(; except~~
5 ~~that at any first election three councilmen in cities having seven~~
6 ~~councilmen, and two councilmen in cities having five councilmen, shall~~
7 ~~be elected for two year terms and the remaining councilmen shall be~~
8 ~~elected for four year terms)) and assume office in accordance with RCW
9 29.04.170. At any first election upon reorganization, councilmembers
10 shall be elected as provided in RCW 35A.02.050. Thereafter the
11 requisite number of ((councilmen)) councilmembers shall be elected
12 biennially as the terms of their predecessors expire and shall serve
13 for terms of four years. The positions to be filled on the city
14 council shall be designated by consecutive numbers and shall be dealt
15 with as separate offices for all election purposes(~~(, as provided in~~
16 ~~RCW 35A.29.105. In any city which holds its first election under this~~
17 ~~title in the calendar year 1970, candidates elected for two year terms~~
18 ~~shall hold office until their successors are elected and qualified at~~
19 ~~the general municipal election to be held in November, 1973 and~~
20 ~~candidates elected for four year terms shall hold office until their~~
21 ~~successors are elected and qualified at the general municipal election~~
22 ~~to be held in November, 1975)). Election to positions on the council~~
23 shall be by majority vote from the city at large, unless provision is
24 made by charter or ordinance for election by wards. ((The city council
25 shall be the judge of the qualifications of its members and determine
26 contested elections of city officers, subject to review by certiorari
27 as provided by law.)) The mayor and ((councilmen)) councilmembers
28 shall qualify by taking an oath or affirmation of office and as may be
29 provided by law, charter, or ordinance.~~

30 **Sec. 33.** RCW 35A.12.050 and 1967 ex.s. c 119 s 35A.12.050 are each
31 amended to read as follows:

32 The office of a mayor or ((councilman)) councilmember shall become
33 vacant if ((he)) the person who is elected or appointed to that
34 position fails to qualify as provided by law ((or)), fails to enter
35 upon ((his)) the duties of that office at the time fixed by law without
36 a justifiable reason, ((upon his death, resignation, removal from
37 office by recall as provided by law, or when his office is forfeited))
38 or as provided in RCW 35A.12.060 or 42.12.010. A vacancy in the office

1 of mayor or in the council shall be filled (~~for the remainder of the~~
2 ~~unexpired term, if any, at the next regular municipal election but the~~
3 ~~council, or the remaining members thereof, by majority vote shall~~
4 ~~appoint a qualified person to fill the vacancy until the person elected~~
5 ~~to serve the remainder of the unexpired term takes office. If at any~~
6 ~~time the membership of the council is reduced below the number required~~
7 ~~for a quorum, the remaining members, nevertheless, by majority action~~
8 ~~may appoint additional members to fill the vacancies until persons are~~
9 ~~elected to serve the remainder of the unexpired terms. If, after~~
10 ~~thirty days have passed since the occurrence of a vacancy, the council~~
11 ~~are unable to agree upon a person to be appointed to fill a vacancy in~~
12 ~~the council, the mayor may make the appointment from among the persons~~
13 ~~nominated by members of the council~~)) as provided in chapter 42.12 RCW.

14 **Sec. 34.** RCW 35A.12.060 and 1967 ex.s. c 119 s 35A.12.060 are each
15 amended to read as follows:

16 (~~A mayor or councilman shall forfeit his office, creating a~~
17 ~~vacancy, if he ceases to have the qualifications prescribed for such~~
18 ~~office by law, charter, or ordinance, or if he is convicted of a crime~~
19 ~~involving moral turpitude or an offense involving a violation of his~~
20 ~~oath of office. A councilman also shall forfeit his office if he~~)) In
21 addition a council position shall become vacant if the councilmember
22 fails to attend three consecutive regular meetings of the council
23 without being excused by the council.

24 **Sec. 35.** RCW 35A.12.180 and 1967 ex.s. c 119 s 35A.12.180 are each
25 amended to read as follows:

26 (1) At any time not within three months previous to a municipal
27 general election the council of a noncharter code city organized under
28 this chapter may divide the city into wards or change the boundaries of
29 existing wards. No change in the boundaries of wards shall affect the
30 term of any (~~councilman, but he~~) councilmember, and councilmembers
31 shall serve out (~~his~~) their terms in the wards of (~~his~~) their
32 residences at the time of (~~his~~) their elections: PROVIDED, That if
33 this results in one ward being represented by more (~~councilmen~~)
34 councilmembers than the number to which it is entitled those having the
35 shortest unexpired terms shall be assigned by the council to wards
36 where there is a vacancy, and the councilmembers so assigned shall be
37 deemed to be residents of the wards to which they are assigned for

1 purposes of those positions being vacant. The representation of each
2 ward in the city council shall be in proportion to the population as
3 nearly as is practicable. (~~When the city has been divided into wards~~
4 ~~no person shall be eligible to the office of councilman unless he~~
5 ~~resides in the ward for which he is elected on the date of his~~
6 ~~election, and removal of his residence from the ward for which he was~~
7 ~~elected renders his office vacant.~~)

8 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards
9 shall be used as follows: (a) Only a resident of the ward may be a
10 candidate for, or hold office as, a councilmember of the ward; and (b)
11 only voters of the ward may vote at a primary to nominate candidates
12 for a councilmember of the ward. Voters of the entire city may vote at
13 the general election to elect a councilmember of a ward, unless the
14 city had prior to January 1, 1993, limited the voting in the general
15 election for any or all council positions to only voters residing
16 within the ward associated with the council positions. If a city had
17 so limited the voting in the general election to only voters residing
18 within the ward, then the city shall be authorized to continue to do
19 so.

20 (2) If on the effective date of this section or thereafter, a ward
21 represented by more than one councilmember does not have at least one
22 councilmember elected to office at each municipal election, then the
23 council may change the terms of or renumber councilmember positions to
24 be filled at the next general election if necessary, so that at least
25 one councilmember within the ward is elected to office at each
26 municipal general election, and the city complies with RCW 35A.12.040.
27 The council shall determine by lot which councilmember positions shall
28 be renumbered or terms changed prior to the date for filing
29 declarations of candidacy for election to councilmember positions.

30 **Sec. 36.** RCW 35A.13.010 and 1987 c 3 s 16 are each amended to read
31 as follows:

32 The (~~councilmen~~) councilmembers shall be the only elective
33 officers of a code city electing to adopt the council-manager plan of
34 government authorized by this chapter, except where statutes provide
35 for an elective municipal judge. The council shall appoint an officer
36 whose title shall be "city manager" who shall be the chief executive
37 officer and head of the administrative branch of the city government.
38 The city manager shall be responsible to the council for the proper

1 administration of all affairs of the code city. The council of a
2 noncharter code city having less than twenty-five hundred inhabitants
3 shall consist of five members; when there are twenty-five hundred or
4 more inhabitants the council shall consist of seven members: PROVIDED,
5 That if the population of a city after having become a code city
6 decreases from twenty-five hundred or more to less than twenty-five
7 hundred, it shall continue to have a seven member council. If, after
8 a city has become a council-manager code city its population increases
9 to twenty-five hundred or more inhabitants, the number of councilmanic
10 offices in such city may increase from five to seven members upon the
11 affirmative vote of a majority of the existing council to increase the
12 number of councilmanic offices in the city. When the population of a
13 council-manager code city having five councilmanic offices increases to
14 five thousand or more inhabitants, the number of councilmanic offices
15 in the city shall increase from five to seven members. In the event of
16 an increase in the number of councilmanic offices, the city council
17 shall, by majority vote, pursuant to RCW 35A.13.020, appoint two
18 persons to serve in these offices until the next municipal general
19 election, at which election one person shall be elected for a two-year
20 term and one person shall be elected for a four-year term. The number
21 of inhabitants shall be determined by the most recent official state or
22 federal census or determination by the state office of financial
23 management. A charter adopted under the provisions of this title,
24 incorporating the council-manager plan of government set forth in this
25 chapter may provide for an uneven number of ((~~councilmen~~))
26 councilmembers not exceeding eleven.

27 A noncharter code city of less than five thousand inhabitants which
28 has elected the council-manager plan of government and which has seven
29 councilmanic offices may establish a five-member council in accordance
30 with the following procedure. At least six months prior to a municipal
31 general election, the city council shall adopt an ordinance providing
32 for reduction in the number of councilmanic offices to five. The
33 ordinance shall specify which two councilmanic offices, the terms of
34 which expire at the next general election, are to be terminated. The
35 ordinance shall provide for the renumbering of council positions and
36 shall also provide for a two-year extension of the term of office of a
37 retained councilmanic office, if necessary, in order to comply with RCW
38 35A.12.040.

1 However, a noncharter code city that has retained its old council-
2 manager plan of government, as provided in RCW 35A.02.130, is subject
3 to the laws applicable to that old plan of government.

4 **Sec. 37.** RCW 35A.13.020 and 1975 1st ex.s. c 155 s 1 are each
5 amended to read as follows:

6 In council-manager code cities, eligibility for election to the
7 council, the manner of electing councilmen, the numbering of council
8 positions, the terms of councilmen, the occurrence and the filling of
9 vacancies, the grounds for forfeiture of office, and appointment of a
10 mayor pro tempore or deputy mayor or councilman pro tempore shall be
11 governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040,
12 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a
13 code city organized under the mayor-council plan(~~(:—PROVIDED, That))~~),
14 except that in council-manager cities where all council positions are
15 at-large positions, the city council may, pursuant to RCW 35A.13.033,
16 provide that the person elected to council position one (~~(on or after~~
17 ~~September 8, 1975,)~~) shall be the council chairman and shall carry out
18 the duties prescribed by RCW 35A.13.030(~~(, as now or hereafter~~
19 ~~amended))~~).

20 **Sec. 38.** RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060 are each
21 amended to read as follows:

22 An annexation election shall be held in accordance with (~~chapter~~
23 ~~35A.29 RCW of this title~~) general election law and only registered
24 voters who have resided in the area proposed to be annexed for ninety
25 days immediately preceding the election shall be allowed to vote
26 therein.

27 **Sec. 39.** RCW 35A.14.070 and 1979 ex.s. c 124 s 4 are each amended
28 to read as follows:

29 Notice of an annexation election shall particularly describe the
30 boundaries of the area proposed to be annexed, as the same may have
31 been modified by the boundary review board or the county annexation
32 review board, state the objects of the election as prayed in the
33 petition or as stated in the resolution, and require the voters to cast
34 ballots which shall contain the words "For Annexation" or "Against
35 Annexation" or words equivalent thereto, or contain the words "For
36 Annexation and Adoption of Proposed Zoning Regulation", and "Against

1 Annexation and Adoption of Proposed Zoning Regulation", or words
2 equivalent thereto in case the simultaneous adoption of a proposed
3 zoning regulation is proposed, and in case the assumption of all or a
4 portion of indebtedness is proposed, shall contain an appropriate,
5 separate proposition for or against the portion of indebtedness that
6 the city requires to be assumed. The notice shall be posted for at
7 least two weeks prior to the date of election in four public places
8 within the area proposed to be annexed and published at least once a
9 week for two weeks prior to the date of election in a newspaper of
10 general circulation within the limits of the territory proposed to be
11 annexed. Such notice shall be in addition to the notice required by
12 (~~RCW 35A.29.140~~) general election law.

13 **Sec. 40.** RCW 35A.15.040 and 1967 ex.s. c 119 s 35A.15.040 are each
14 amended to read as follows:

15 (~~The election shall be conducted and the returns canvassed as~~
16 ~~provided in chapter 35A.29 RCW.~~) Ballot titles shall be prepared by
17 the city as provided in RCW 35A.29.120 and shall contain the words "For
18 Dissolution" and "Against Dissolution", and shall contain on separate
19 lines, alphabetically, the names of candidates for receiver. If a
20 majority of the votes cast on the proposition are for dissolution, the
21 municipal corporation shall be dissolved upon certification of the
22 election results to the office of the secretary of state.

23 **Sec. 41.** RCW 35A.16.030 and 1967 ex.s. c 119 s 35A.16.030 are each
24 amended to read as follows:

25 (~~The election returns shall be canvassed as provided in RCW~~
26 ~~35A.29.070 and~~) If three-fifths of the votes cast on the proposition
27 favor the reduction of the corporate limits, the (~~legislative body, by~~
28 ~~an order entered on its minutes, shall direct the clerk to~~) county
29 auditor shall make and transmit to the office of the secretary of state
30 a certified abstract of the vote.

31 NEW SECTION. **Sec. 42.** A new section is added to chapter 35A.29
32 RCW to read as follows:

33 Elections for code cities shall comply with general election law.

34 **Sec. 43.** RCW 36.69.020 and 1969 c 26 s 2 are each amended to read
35 as follows:

1 The formation of a park and recreation district shall be initiated
2 by a petition designating the boundaries thereof by metes and bounds,
3 or by describing the land to be included therein by townships, ranges
4 and legal subdivisions. Such petition shall set forth the object of
5 the district and state that it will be conducive to the public welfare
6 and convenience, and that it will be a benefit to the area therein.
7 Such petition shall be signed by not less than fifteen percent of the
8 registered voters residing within the area so described. ~~((No person
9 signing the petition may withdraw his name therefrom after filing.))~~
10 The name of a person who has signed the petition may not be withdrawn
11 from the petition after the petition has been filed.

12 The petition shall be filed with the auditor of the county within
13 which the proposed district is located, accompanied by an obligation
14 signed by two or more petitioners, agreeing to pay the cost of the
15 publication of the notice provided for in RCW 36.69.040. The county
16 auditor shall, within thirty days from the date of filing the petition,
17 examine the signatures and certify to the sufficiency or insufficiency
18 thereof ~~((; and for that purpose shall have access to all registration
19 books or records in the possession of the registration officers of the
20 election precincts included, in whole or in part, within the proposed
21 district. Such books and records shall be prima facie evidence of the
22 truth of the certificate))~~.

23 If the petition is found to contain a sufficient number of
24 signatures of qualified persons, the auditor shall transmit it,
25 together with ~~((his))~~ a certificate of sufficiency attached thereto, to
26 the county ~~((commissioners who))~~ legislative authority, which shall by
27 resolution entered upon ~~((their))~~ its minutes ~~((;))~~ receive it and fix
28 a day and hour when ~~((they))~~ the legislative authority will publicly
29 hear the petition, as provided in RCW 36.69.040.

30 **Sec. 44.** RCW 36.69.070 and 1979 ex.s. c 126 s 28 are each amended
31 to read as follows:

32 ~~((All elections pursuant to this chapter shall be conducted in
33 accordance with the provisions of chapter 29.13 RCW for district
34 elections.))~~ A ballot proposition authorizing the formation of the
35 proposed park and recreation district shall be submitted to the voters
36 of the proposed district for their approval or rejection at the next
37 general state election occurring sixty or more days after the county
38 legislative authority fixes the boundaries of the proposed district.

1 Notices of the election for the formation of the park and recreation
2 district shall state generally and briefly the purpose thereof and
3 shall give the boundaries of the proposed district(~~(, define the~~
4 ~~election precincts, designate the polling place of each, give the names~~
5 ~~of the five nominated park and recreation commissioner candidates of~~
6 ~~the proposed district,)~~) and name the day of the election and the hours
7 during which the polls will be open. The proposition to be submitted
8 to the voters shall be stated in such manner that the voters may
9 indicate yes or no upon the proposition of forming the proposed park
10 and recreation district. (~~The ballot shall be so arranged that voters~~
11 ~~may vote for the five nominated candidates or may write in the names of~~
12 ~~other candidates.))~~

13 The initial park and recreation commissioners shall be elected at
14 the same election, but this election shall be null and void if the
15 district is not authorized to be formed. No primary shall be held to
16 nominate candidates for the initial commissioner positions. Candidates
17 shall run for specific commission positions. A special filing period
18 shall be opened as provided in RCW 29.15.170 and 29.15.180. The person
19 who receives the greatest number of votes for each commission position
20 shall be elected to that position. The three persons who are elected
21 receiving the greatest number of votes shall be elected to four-year
22 terms of office if the election is held in an odd-numbered year or
23 three-year terms of office if the election is held in an even-numbered
24 year. The other two persons who are elected shall be elected to two-
25 year terms of office if the election is held in an odd-numbered year or
26 one-year terms of office if the election is held in an even-numbered
27 year. The initial commissioners shall take office immediately upon
28 being elected and qualified, but the length of such terms shall be
29 computed from the first day of January in the year following this
30 election.

31 **Sec. 45.** RCW 36.69.080 and 1979 ex.s. c 126 s 29 are each amended
32 to read as follows:

33 If a majority of all votes cast upon the proposition favors the
34 formation of the district, (~~{the}~~) the county legislative authority
35 shall(~~{,}~~) by resolution, declare the territory organized as a park
36 and recreation district under the designated name (~~theretofore~~
37 designated, and shall declare the candidate from each subdivision
38 receiving the highest number of votes for park and recreation

1 commissioner the duly elected first park and recreation commissioner of
2 the subdivision of the district. These initial park and recreation
3 commissioners shall take office immediately upon their election and
4 qualification and hold office until their successors are elected and
5 qualified and assume office as provided in RCW 36.69.090 as now or
6 hereafter amended)).

7 **Sec. 46.** RCW 36.69.090 and 1987 c 53 s 1 are each amended to read
8 as follows:

9 A park and recreation district shall be governed by a board of five
10 commissioners. Except for the initial commissioners, all commissioners
11 shall be elected to staggered four-year terms of office and shall serve
12 until their successors are elected and qualified and assume office in
13 accordance with RCW 29.04.170. Candidates shall run for specific
14 commissioner positions.

15 Elections for park and recreation district commissioners shall be
16 held biennially in conjunction with the general election in each odd-
17 numbered year. ((Residence anywhere within the district shall qualify
18 an elector for any position on the commission after the initial
19 election.)) Elections shall be held in accordance with the provisions
20 of Title 29 RCW dealing with general elections. ((All commissioners
21 shall serve until their successors are elected and qualified and assume
22 office in accordance with RCW 29.04.170. At the first election
23 following the formation of the district, the two candidates receiving
24 the highest number of votes shall serve for terms of four years, and
25 the three candidates receiving the next highest number of votes shall
26 serve for two years. Thereafter all commissioners shall be elected for
27 four year terms: PROVIDED, That if there would otherwise be two
28 commissioners elected at the November 1987 general election, the
29 candidate receiving the highest number of votes shall serve a four year
30 term, and the commissioner receiving the second highest number of votes
31 shall serve a two year term.))

32 **Sec. 47.** RCW 36.69.100 and 1963 c 4 s 36.69.100 are each amended
33 to read as follows:

34 Vacancies on the board of park and recreation commissioners shall
35 occur and shall be filled ((by a majority vote of the remaining
36 commissioners)) as provided in chapter 42.12 RCW.

1 **Sec. 48.** RCW 36.69.440 and 1979 ex.s. c 11 s 3 are each amended to
2 read as follows:

3 (1) If the petition filed under RCW 36.69.430 is found to contain
4 a sufficient number of signatures, the legislative authority of each
5 county shall set a time for a hearing on the petition for the formation
6 of a park and recreation district as prescribed in RCW 36.69.040.

7 (2) At the public hearing the legislative authority (~~for each~~
8 ~~authority~~) for each county shall fix the boundaries for that portion
9 of the proposed park and recreation district that lies within the
10 county as provided in RCW 36.69.050. Each county shall notify the
11 other county or counties of the determination of the boundaries within
12 ten days.

13 (3) If the territories created by the county legislative
14 authorities are not contiguous, a joint park and recreation district
15 shall not be formed. If the territories are contiguous, the county
16 containing the portion of the proposed joint district having the larger
17 population shall determine the name of the proposed joint district.

18 (4) (~~If the proposed district encompasses portions of two~~
19 ~~counties, the county containing the portion of the district having the~~
20 ~~larger population shall divide the territory into three subdivisions~~
21 ~~and shall name three resident electors as prescribed by RCW 36.69.060.~~
22 ~~The county containing the territory having the smaller population shall~~
23 ~~divide that territory into two subdivisions and name two resident~~
24 ~~electors.~~

25 (5) ~~If the proposed district encompasses portions of more than two~~
26 ~~counties, the district shall be divided into five subdivisions and~~
27 ~~resident electors shall be named as follows:~~

28 ~~The number of subdivisions and resident electors to be established~~
29 ~~by each county shall reflect the proportion of population within each~~
30 ~~county portion of the proposed district in relation to the total~~
31 ~~population of the proposed district, provided that each county shall~~
32 ~~designate one subdivision and one resident elector.~~

33 (6)) The proposition for the formation of the proposed joint park
34 and recreation district shall be submitted to the voters of the
35 district at the next general election, which election shall be
36 conducted as required by RCW 36.69.070 and 36.69.080.

37 **Sec. 49.** RCW 36.105.010 and 1991 c 363 s 99 are each amended to
38 read as follows:

1 Voters of the unincorporated areas of the state are authorized to
2 establish community councils as provided in this chapter.

3 It is the purpose of this chapter to provide voters of
4 unincorporated areas in counties with a population of over thirty
5 thousand that are made up entirely of islands and in counties with a
6 population of over one million with direct input on the planning and
7 zoning of their community by establishing a governmental mechanism to
8 adopt proposed community comprehensive plans and proposed community
9 zoning ordinances that are consistent with an overall guide and
10 framework adopted by the county legislative authority. In addition, it
11 is the purpose of this chapter to have community councils serve as
12 forums for the discussion of local issues.

13 **Sec. 50.** RCW 36.105.020 and 1991 c 363 s 100 are each amended to
14 read as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

17 (1) "Community" means a portion of the unincorporated area for
18 which a community council has been established and which is located in
19 a county with a population of over thirty thousand that is made up
20 entirely of islands and in counties with a population of over one
21 million.

22 (2) "Community comprehensive plan" means a comprehensive plan
23 adopted by a community council.

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

27 (4) "Community zoning ordinances" means the zoning ordinances
28 adopted by a community council to implement a community comprehensive
29 plan.

30 **Sec. 51.** RCW 36.105.030 and 1991 c 363 s 101 are each amended to
31 read as follows:

32 A community for which a community council is created may include
33 only unincorporated territory located in a single county with a
34 population of over thirty thousand that is made up entirely of islands
35 and in counties with a population of over one million and not included
36 within a city or town. A community council must have at least one
37 thousand persons residing within the community when the community

1 council is created or, where the community only includes an entire
2 island, at least three hundred persons must reside on the island when
3 the community council is created. Any portion of such a community that
4 is annexed by a city or town, or is incorporated as a city or town,
5 shall be removed from the community upon the effective date of the
6 annexation or the official date of the incorporation.

7 **Sec. 52.** RCW 52.14.010 and 1985 c 330 s 2 are each amended to read
8 as follows:

9 The affairs of the district shall be managed by a board of fire
10 commissioners composed of three (~~resident electors of~~) registered
11 voters residing in the district except as provided in RCW 52.14.015 and
12 52.14.020. Each member shall each receive fifty dollars per day or
13 portion thereof, not to exceed four thousand eight hundred dollars per
14 year, for attendance at board meetings and for performance of other
15 services in behalf of the district.

16 In addition, they shall receive necessary expenses incurred in
17 attending meetings of the board or when otherwise engaged in district
18 business, and shall be entitled to receive the same insurance available
19 to all (~~firemen~~) fire fighters of the district: PROVIDED, That the
20 premiums for such insurance, except liability insurance, shall be paid
21 by the individual commissioners who elect to receive it.

22 Any commissioner may waive all or any portion of his or her
23 compensation payable under this section as to any month or months
24 during his or her term of office, by a written waiver filed with the
25 secretary as provided in this section. The waiver, to be effective,
26 must be filed any time after the commissioner's election and prior to
27 the date on which (~~said~~) the compensation would otherwise be paid.
28 The waiver shall specify the month or period of months for which it is
29 made.

30 The board shall fix the compensation to be paid the secretary and
31 all other agents and employees of the district. The board may, by
32 resolution adopted by unanimous vote, authorize any of its members to
33 serve as volunteer (~~firemen~~) fire fighters without compensation. A
34 commissioner actually serving as a volunteer (~~fireman~~) fire fighter
35 may enjoy the rights and benefits of a volunteer (~~fireman~~) fire
36 fighter. (~~The first commissioners shall take office immediately when~~
37 ~~qualified in accordance with RCW 29.01.135 and shall serve until after~~
38 ~~the next general election for the selection of commissioners and until~~

1 ~~their successors have been elected and have qualified and have assumed~~
2 ~~office in accordance with RCW 29.04.170.)~~)

3 **Sec. 53.** RCW 52.14.015 and 1990 c 259 s 14 are each amended to
4 read as follows:

5 In the event a three member board of commissioners of any fire
6 protection district determines by resolution (~~and approves by~~
7 ~~unanimous vote of the board~~) that it would be in the best interest of
8 the district to increase the number of commissioners from three to
9 five, or in the event the board is presented with a petition signed by
10 ten percent of the registered voters resident within the district who
11 voted in the last general municipal election calling for such an
12 increase in the number of commissioners of the district, the board
13 shall submit a resolution to the county legislative authority or
14 authorities of the county or counties in which the district is located
15 requesting that an election be held. Upon receipt of the resolution,
16 the legislative authority or authorities of the county or counties
17 shall call a special election to be held within the fire protection
18 district at which election the following proposition shall be submitted
19 to the voters substantially as follows:

20 Shall the board of commissioners of county fire
21 protection district no. be increased from three members to
22 five members?

23 Yes
24 No

25 If the fire protection district is located in more than a single
26 county, this proposition shall indicate the name of the district.

27 If the proposition receives a majority approval at the election,
28 the board of commissioners of the fire protection district shall be
29 increased to five members. The two additional members shall be
30 appointed in the same manner as provided in RCW 52.14.020.

31 **Sec. 54.** RCW 52.14.030 and 1984 c 230 s 31 are each amended to
32 read as follows:

33 (~~The polling places for district elections shall be those of the~~
34 ~~county voting precincts which include any of the territory within the~~

1 ~~fire protection districts. District elections))~~ The polling places for
2 a fire protection district election may be located inside or outside
3 the boundaries of the district ((and)), as determined by the auditor of
4 the county in which the fire protection district is located, and the
5 elections of the fire protection district shall not be held to be
6 irregular or void on that account.

7 **Sec. 55.** RCW 52.14.050 and 1989 c 63 s 21 are each amended to read
8 as follows:

9 ~~((In the event of a vacancy occurring in the office of fire~~
10 ~~commissioner, the vacancy shall, within sixty days, be filled by~~
11 ~~appointment of a resident elector of the district by a vote of the~~
12 ~~remaining fire commissioners. If the board of commissioners fails to~~
13 ~~fill the vacancy within the sixty day period, the county legislative~~
14 ~~authority of the county in which all, or the largest portion, of the~~
15 ~~district is located shall make the appointment. If the number of~~
16 ~~vacancies is such that there is not a majority of the full number of~~
17 ~~commissioners in office as fixed by law, the county legislative~~
18 ~~authority of the county in which all, or the largest portion, of the~~
19 ~~district is located shall appoint someone to fill each vacancy, within~~
20 ~~thirty days of each vacancy, that is sufficient to create a majority as~~
21 ~~prescribed by law.~~

22 ~~An appointee shall serve ad interim until a successor has been~~
23 ~~elected and qualified at the next general election as provided in~~
24 ~~chapter 29.21 RCW. A person who is so elected shall take office~~
25 ~~immediately after he or she is qualified and shall serve for the~~
26 ~~remainder of the unexpired term.))~~

27 Vacancies on a board of fire commissioners shall occur as provided
28 in chapter 42.12 RCW. In addition, if a fire commissioner is absent
29 from the district for three consecutive regularly scheduled meetings
30 unless by permission of the board, the office shall be declared vacant
31 by the board of commissioners ((and the vacancy shall be filled as
32 provided for in this section)). However, such an action shall not be
33 taken unless the commissioner is notified by mail after two consecutive
34 unexcused absences that the position will be declared vacant if the
35 commissioner is absent without being excused from the next regularly
36 scheduled meeting. Vacancies ((additionally shall occur)) on a board
37 of fire commissioners shall be filled as provided in chapter 42.12 RCW.

1 **Sec. 56.** RCW 52.14.060 and 1989 c 63 s 22 are each amended to read
2 as follows:

3 The initial three members of the board of fire commissioners shall
4 be elected at the same election as when the ballot proposition is
5 submitted to the voters authorizing the creation of the fire protection
6 district. If the district is not authorized to be created, the
7 election of the initial fire commissioners shall be null and void. If
8 the district is authorized to be created, the initial fire
9 commissioners shall take office immediately when qualified. Candidates
10 shall file for each of the three separate fire commissioner positions.
11 Elections shall be held as provided in chapter 29.21 RCW, with the
12 county auditor opening up a special filing period as provided in RCW
13 (~~((29.21.360 and 29.21.370))~~) 29.15.170 and 29.15.180, as if there were
14 a vacancy. The (~~((candidate for each position))~~) person who receives the
15 greatest number of votes for each position shall be elected to that
16 position. (~~((If the election is held in an odd-numbered year, the
17 winning candidate receiving the highest number of votes shall hold
18 office for a term of six years, the winning candidate receiving the
19 next highest number of votes shall hold office for a term of four
20 years, and the candidate receiving the next highest number of votes
21 shall serve for a term of two years. If the election were held in an
22 even-numbered year, the winning candidate receiving the greatest number
23 of votes shall hold office for a term of five years, the winning
24 candidate receiving the next highest number of votes shall hold office
25 for a term of three years, and the winning candidate receiving the next
26 highest number of votes shall hold office for a term of one year.))~~) The
27 terms of office of the initial fire commissioners shall be staggered as
28 follows: (1) The person who is elected receiving the greatest number
29 of votes shall be elected to a six-year term of office if the election
30 is held in an odd-numbered year or a five-year term of office if the
31 election is held in an even-numbered year; (2) the person who is
32 elected receiving the next greatest number of votes shall be elected to
33 a four-year term of office if the election is held in an odd-numbered
34 year or a three-year term of office if the election is held in an even-
35 numbered year; and (3) the other person who is elected shall be elected
36 to a two-year term of office if the election is held in an odd-numbered
37 year or a one-year term of office if the election is held in an even-
38 numbered year. The initial commissioners shall take office immediately
39 when elected and qualified and their terms of office (~~((of the initially~~

1 ~~elected fire commissioners))~~ shall be calculated from the first day of
2 January in the year following their election.

3 The term of office of each subsequent commissioner shall be six
4 years. Each commissioner shall serve until a successor is elected and
5 qualified and assumes office in accordance with RCW 29.04.170.

6 **Sec. 57.** RCW 53.12.140 and 1959 c 17 s 9 are each amended to read
7 as follows:

8 A vacancy in the office of port commissioner shall occur (~~by~~
9 ~~death, resignation, removal, conviction of a felony,~~) as provided in
10 chapter 42.12 RCW or by nonattendance at meetings of the port
11 commission for a period of sixty days unless excused by the port
12 commission(~~, by any statutory disqualification, or by any permanent~~
13 disability preventing the proper discharge of his duty)). A vacancy on
14 a port commission shall be filled as provided in chapter 42.12 RCW.

15 **Sec. 58.** RCW 54.08.060 and 1979 ex.s. c 126 s 36 are each amended
16 to read as follows:

17 Whenever a proposition for the formation of a public utility
18 district is to be submitted to voters in any county, the county
19 legislative authority may by resolution call a special election, and at
20 the request of petitioners for the formation of such district contained
21 in the petition shall do so and shall provide for holding the same at
22 the earliest practicable time. If the boundaries of the proposed
23 district embrace an area less than the entire county, such election
24 shall be confined to the area so included. The notice of such election
25 shall state the boundaries of the proposed district and the object of
26 such election; in other respects, such election shall be held and
27 called in the same manner as provided by law for the holding and
28 calling of general elections: PROVIDED, That notice thereof shall be
29 given for not less than ten days nor more than thirty days prior to
30 such special election. In submitting the (~~said~~) proposition to the
31 voters for their approval or rejection, such proposition shall be
32 expressed on the ballots in substantially the following terms:

33 Public Utility District No. YES
34 Public Utility District No. NO

1 At the same special election on the proposition to form a public
2 utility district, there shall also be an election for three public
3 utility district commissioners(~~((:—PROVIDED, That))~~). However, the
4 election of such commissioners shall be null and void if the
5 proposition to form the public utility district does not receive
6 approval by a majority of the voters voting on the proposition.
7 ~~((Nomination for and election of public utility district commissioners~~
8 ~~shall conform with the provisions of RCW 54.12.010 as now or hereafter~~
9 ~~amended, except for the day of such election and the term of office of~~
10 ~~the original commissioners.)) No primary shall be held. A special
11 filing period shall be opened as provided in RCW 29.15.170 and
12 29.15.180. The person receiving the greatest number of votes for the
13 commissioner of each commissioner district shall be elected as the
14 commissioner of that district. Commissioner districts shall be
15 established as provided in RCW 54.12.010. The terms of the initial
16 commissioners shall be staggered as follows: (1) The person who is
17 elected receiving the greatest number of votes shall be elected to a
18 six-year term of office if the election is held in an even-numbered
19 year or a five-year term if the election is held in an odd-numbered
20 year; (2) the person who is elected receiving the next greatest number
21 of votes shall be elected to a four-year term of office if the election
22 is held in an even-numbered year or a three-year term of office if the
23 election is held in an odd-numbered year; and (3) the other person who
24 is elected shall be elected to a two-year term of office if the
25 election is held in an even-numbered year or a one-year term of office
26 if the election is held in an odd-numbered year. The commissioners
27 first to be elected at such special election shall ((hold office from
28 the first day of the month following the commissioners' election for
29 the terms as specified in this section which terms shall be computed
30 from the first day in January next following the election. If such
31 special election was held in an even-numbered year, the commissioners
32 residing in commissioner district number one shall hold office for the
33 term of six years, the commissioner residing in commissioner district
34 number two shall hold office for the term of four years, and the
35 commissioner residing in commissioner district number three shall hold
36 office for the term of two years. If such special election was held in
37 an odd-numbered year, the commissioner residing in commissioner
38 district number one shall hold office for the term of five years, the
39 commissioner residing in commissioner district number two shall hold~~

1 office for the term of three years, and the commissioner residing in
2 commissioner district number three shall hold office for the term of
3 one year)) assume office immediately when they are elected and
4 qualified, but the length of their terms of office shall be calculated
5 from the first day in January in the year following their elections.

6 The term "general election" as used herein means biennial general
7 elections at which state and county officers in a noncharter county are
8 elected.

9 **Sec. 59.** RCW 54.12.010 and 1990 c 59 s 109 are each amended to
10 read as follows:

11 (~~Within ten days after such election, the county canvassing board~~
12 ~~shall canvass the returns, and if at such election a majority of the~~
13 ~~voters voting upon such proposition shall vote in favor of the~~
14 ~~formation of such district, the canvassing board shall so declare in~~
15 ~~its canvass of the returns of such election, and such public utility~~
16 ~~district shall then be and become)) A public utility district that is
17 created as provided in RCW 54.08.010 shall be a municipal corporation
18 of the state of Washington, and the name of such public utility
19 district shall be Public Utility District No. of
20 County.~~

21 The powers of the public utility district shall be exercised
22 through a commission consisting of three members in three commissioner
23 districts, and five members in five commissioner districts.

24 When the public utility district is (~~coextensive with the limits~~
25 ~~of such county)) county-wide and the county has three county
26 legislative authority districts, then, at the first election of
27 commissioners and until any change shall have been made in the
28 boundaries of public utility district commissioner districts, one
29 public utility district commissioner shall be chosen from each of the
30 three county (~~commissioner~~) legislative authority districts (~~of the~~
31 ~~county in which the public utility district is located if the county is~~
32 ~~not operating under a "Home Rule" charter)). When the public utility~~
33 ~~district comprises only a portion of the county, with boundaries~~
34 ~~established in accordance with chapter 54.08 RCW, or when the public~~
35 ~~utility district is (located in a county operating under a "Home Rule"~~
36 ~~charter)) county-wide and the county does not have three county
37 legislative authority districts, three public utility district
38 commissioner districts, numbered consecutively, (~~having~~) each with~~~~

1 approximately equal population and (~~boundaries,~~) following (~~ward~~
2 ~~and~~) precinct lines, as far as practicable, shall be described in the
3 petition for the formation of the public utility district, which shall
4 be subject to appropriate change by the county legislative authority if
5 and when (~~they~~) it changes the boundaries of the proposed public
6 utility district, and one commissioner shall be elected (~~from each of~~
7 ~~said~~) as a commissioner of each of the public utility district
8 commissioner districts. (~~In all five commissioner districts an~~
9 ~~additional commissioner at large shall be chosen from each of the two~~
10 ~~at large districts. No person shall be eligible to be elected to the~~
11 ~~office of public utility district commissioner for a particular~~
12 ~~district commissioner district unless he is a registered voter of the~~
13 ~~public utility district commissioner district or at large district from~~
14 ~~which he is elected.~~) Commissioner districts shall be used as follows:
15 (1) Only a registered voter who resides in a commissioner district may
16 be a candidate for, or hold office as, a commissioner of the
17 commissioner district; and (2) only voters of a commissioner district
18 may vote at a primary to nominate candidates for a commissioner of the
19 commissioner district. Voters of the entire public utility district
20 may vote at a general election to elect a person as a commissioner of
21 the commissioner district.

22 (~~Except as otherwise provided,~~) The term of office of each public
23 utility district commissioner other than the commissioners at large
24 shall be six years, and the term of each commissioner at large shall be
25 four years. Each term shall be computed in accordance with RCW
26 29.04.170 following the commissioner's election. (~~One commissioner at~~
27 ~~large and one commissioner from a commissioner district shall be~~
28 ~~elected at each general election held in an even-numbered year for the~~
29 ~~term of four years and six years respectively. All candidates shall be~~
30 ~~voted upon by the entire public utility district.~~

31 When a public utility district is formed, three public utility
32 district commissioners shall be elected at the same election at which
33 the proposition is submitted to the voters as to whether such public
34 utility district shall be formed. If the general election adopting the
35 proposition to create the public utility district was held in an even-
36 numbered year, the commissioner residing in commissioner district
37 number one shall hold office for the term of six years; the
38 commissioner residing in commissioner district number two shall hold
39 office for the term of four years; and the commissioner residing in

1 commissioner district number three shall hold office for the term of
2 two years. If the general election adopting the proposition to create
3 the public utility district was held in an odd numbered year, the
4 commissioner residing in commissioner district number one shall hold
5 office for the term of five years, the commissioner in district two
6 shall hold office for the term of three years, and the commissioner in
7 district three shall hold office for the term of one year. The
8 commissioners first to be elected as above provided shall hold office
9 from the first day of the month following the commissioners' election
10 and their respective terms of office shall be computed from the first
11 day of January next following the election.))

12 All public utility district commissioners shall hold office until
13 their successors shall have been elected and have qualified and assume
14 office in accordance with RCW 29.04.170. ((A filing for nomination for
15 public utility district commissioner shall be accompanied by a petition
16 signed by one hundred registered voters of the public utility district
17 which shall be certified by the county auditor to contain the required
18 number of registered voters, and shall otherwise be filed in accord
19 with the requirements of Title 29 RCW. At the time of filing such
20 nominating petition, the person so nominated shall execute and file a
21 declaration of candidacy subject to the provisions of Title 29 RCW, as
22 now or hereafter amended. The petition and each page of the petition
23 shall state whether the nomination is for a commissioner from a
24 particular commissioner district or for a commissioner at large and
25 shall state the districts; otherwise it shall be void.))

26 A vacancy in the office of public utility district commissioner
27 shall occur as provided in chapter 42.12 RCW or by ((death,
28 resignation, removal, conviction of a felony,)) nonattendance at
29 meetings of the public utility district commission for a period of
30 sixty days unless excused by the public utility district commission((
31 by any statutory disqualification, or by any permanent disability
32 preventing the proper discharge of his duty. In the event of a vacancy
33 in said office, such vacancy shall be filled at the next general
34 election held in an even numbered year, the vacancy in the interim to
35 be filled by appointment by the remaining commissioners. If more than
36 one vacancy exists at the same time in a three commissioner district,
37 or more than two in a five commissioner district, a special election
38 shall be called by the county canvassing board upon the request of the
39 remainder, or, that failing, by the county election board, such

1 election to be held not more than forty days after the occurring of
2 such vacancies.

3 A majority of the persons holding the office of public utility
4 district commissioner at any time shall constitute a quorum of the
5 commission for the transaction of business, and the concurrence of a
6 majority of the persons holding such office at the time shall be
7 necessary and shall be sufficient for the passage of any resolution,
8 but no business shall be transacted, except in usual and ordinary
9 course, unless there are in office at least a majority of the full
10 number of commissioners fixed by law)). Vacancies on a board of public
11 utility district commissioners shall be filled as provided in chapter
12 42.12 RCW.

13 The boundaries of the public utility district ((commissioners'))
14 commissioner districts may be changed only by the public utility
15 district commission, and shall be examined every ten years to determine
16 substantial equality of population in accordance with chapter 29.70
17 RCW, but ((said)) the boundaries shall not be changed oftener than once
18 in four years, and only when all members of the commission are present.
19 Whenever territory is added to a public utility district under RCW
20 54.04.035, the boundaries of the public utility ((commissioners'))
21 commissioner districts shall be changed to include such additional
22 territory. The proposed change of the boundaries of the public utility
23 district ((commissioners')) commissioner district must be made by
24 resolution and after public hearing. Notice of the time of a public
25 hearing thereon shall be published for two weeks prior thereto. Upon
26 a referendum petition signed by ten percent of the qualified voters of
27 the public utility district being filed with the county auditor, the
28 county legislative authority shall submit such proposed change of
29 boundaries to the voters of the public utility district for their
30 approval or rejection. Such petition must be filed within ninety days
31 after the adoption of resolution of the proposed action. The validity
32 of ((said)) the petition shall be governed by the provisions of chapter
33 54.08 RCW.

34 **Sec. 60.** RCW 54.40.070 and 1977 ex.s. c 36 s 7 are each amended to
35 read as follows:

36 Within thirty days after the public utility district commission
37 shall divide the district into two at large districts, the county
38 legislative authority shall call a special election, to be held at the

1 next scheduled special election called pursuant to RCW 29.13.010, or
2 not more than ninety days after such call, at which time the initial
3 commissioners to such at large districts shall be elected(~~(7)~~). No
4 primary shall be held and a special filing period shall be opened as
5 provided in RCW 29.15.170 and 29.15.180. The person receiving the
6 greatest number of votes for each position shall be elected.

7 The person who is elected receiving the (~~(largest)~~) greatest number
8 of votes (~~(to serve for four years)~~) shall be elected to a four-year
9 term of office, and the other person (~~(receiving the next largest~~
10 number of votes to serve an initial term of two years)) who is elected
11 shall be elected to a two-year term of office, if the election is held
12 in an even-numbered year, or the person who is elected receiving the
13 greatest number of votes shall be elected to a three-year term of
14 office, and the other person who is elected shall be elected to a one-
15 year term of office, if the election is held in an odd-numbered year.
16 The length of these terms of office shall be calculated from the first
17 day in January in the year following their elections.

18 The newly elected commissioners shall assume office immediately
19 after being elected and qualified and shall serve until their
20 successors are elected and qualified and assume office in accordance
21 with RCW 29.04.170. Each successor shall be elected to a four-year
22 term of office.

23 **Sec. 61.** RCW 56.12.020 and 1979 ex.s. c 126 s 38 are each amended
24 to read as follows:

25 At the election held to form or reorganize a sewer district,
26 (~~(there shall be elected three commissioners who shall assume office~~
27 ~~immediately when qualified in accordance with RCW 29.01.135 to hold~~
28 ~~office for terms of two, four, and six years respectively, and until~~
29 ~~their successors are elected and qualified and assume office in~~
30 ~~accordance with RCW 29.04.170.~~

31 The term of each nominee shall be expressed on the ballot and shall
32 be computed from the first day of January next following if the initial
33 election of the sewer district commissioners was in a general district
34 election as provided in RCW 29.13.020, or from the first day of January
35 following the first general election for sewer districts after its
36 creation if the initial election was on a date other than a general
37 district election. Thereafter, every two years there shall be elected
38 a commissioner for a term of six years and until his or her successor

1 ~~is elected and qualified, at the general election held in the odd-~~
2 ~~numbered years, as provided in RCW 29.13.020, and conducted by the~~
3 ~~county auditor and the returns shall be canvassed by the county~~
4 ~~canvassing board of election returns: PROVIDED, That each such~~
5 ~~commissioner shall assume office in accordance with RCW 29.04.170))~~
6 three sewer district commissioners shall be elected. The election of
7 sewer district commissioners shall be null and void if the ballot
8 proposition to form or reorganize the sewer district is not approved.
9 Candidates shall run for one of three separate commissioner positions.
10 A special filing period shall be opened as provided in RCW 29.15.170
11 and 29.15.180. The person receiving the greatest number of votes for
12 each position shall be elected to that position.

13 The newly elected sewer district commissioners shall assume office
14 immediately when they are elected and qualified. Staggering of the
15 terms of office for the new sewer district commissioners shall be
16 accomplished as follows: (1) The person who is elected receiving the
17 greatest number of votes shall be elected to a six-year term of office
18 if the election is held in an odd-numbered year or a five-year term of
19 office if the election is held in an even-numbered year; (2) the person
20 who is elected receiving the next greatest number of votes shall be
21 elected to a four-year term of office if the election is held in an
22 odd-numbered year or a three-year term of office if the election is
23 held in an even-numbered year; and (3) the other person who is elected
24 shall be elected to a two-year term of office if the election is held
25 in an odd-numbered year or a one-year term of office if the election is
26 held in an even-numbered year. The terms of office shall be calculated
27 from the first day of January in the year following the election.

28 Thereafter commissioners shall be elected to six-year terms of
29 office. Commissioners shall serve until their successors are elected
30 and qualified and assume office in accordance with RCW 29.04.170.

31 **Sec. 62.** RCW 56.12.030 and 1990 c 259 s 24 are each amended to
32 read as follows:

33 ~~((1) Nominations for the first board of commissioners to be~~
34 ~~elected at the election for the formation of the sewer district shall~~
35 ~~be by petition of fifty registered voters or ten percent of the~~
36 ~~registered voters of the district who voted in the last general~~
37 ~~municipal election, whichever is the smaller. The petition shall be~~
38 ~~filed in the auditor's office of the county in which the district is~~

1 located at least forty five days before the election.— Thereafter
2 candidates for the office of sewer commissioner shall file declarations
3 of candidacy and their election shall be conducted as provided by the
4 general elections laws.— A vacancy or vacancies shall be filled by
5 appointment by the remaining commissioner or commissioners until the
6 next regular election for commissioners: PROVIDED, That if there are
7 two vacancies on the board, one vacancy shall be filled by appointment
8 by the remaining commissioner and the one remaining vacancy shall be
9 filled by appointment by the then two commissioners and the appointed
10 commissioners shall serve until the next regular election for
11 commissioners.— If the vacancy or vacancies remain unfilled within six
12 months of its or their occurrence, the county legislative authority in
13 which the district is located shall make the necessary appointment or
14 appointments.— If there is a vacancy of the entire board a new board
15 may be appointed by the county legislative authority.— Any person
16 residing in the district who is at the time of election a registered
17 voter may vote at any election held in the sewer district.

18 (2) Subsection (1) of this section notwithstanding,)) The board of
19 commissioners of any sewer district may ((provide by majority vote that
20 subsequent commissioners be elected from commissioner districts)) adopt
21 a resolution providing that each subsequent commissioner be elected as
22 a commissioner of a commissioner district within the district. If the
23 board exercises this option, it shall divide the district into
24 ((three)) a number of commissioner districts ((of)) equal in number to
25 the number of commissioners on the board, each with approximately equal
26 population following current precinct and district boundaries as far as
27 practicable. ((Thereafter, candidates shall be nominated and one
28 candidate shall be elected from each commissioner district by the
29 registered voters of the commissioner district.

30 (3) All expense of elections for the formation or reorganization of
31 a sewer district shall be paid by the county in which the election is
32 held and the expenditure is hereby declared to be for a county purpose,
33 and the money paid for that purpose shall be repaid to the county by
34 the district if formed or reorganized.)) Commissioner districts shall
35 be used as follows: (1) Only a registered voter who resides in a
36 commissioner district may be a candidate for, or serve as, a
37 commissioner of the commissioner district; and (2) only voters of a
38 commissioner district may vote at a primary to nominate candidates for
39 a commissioner of the commissioner district. Voters of the entire

1 sewer district may vote at a general election to elect a person as a
2 commissioner of the commissioner district. Commissioner districts
3 shall be redrawn as provided in chapter 29.70 RCW.

4 NEW SECTION. Sec. 63. A new section is added to chapter 56.12 RCW
5 to read as follows:

6 Sewer district elections shall conform with general election laws.

7 Vacancies on a board of sewer commissioners shall occur and shall
8 be filled as provided in chapter 42.12 RCW.

9 **Sec. 64.** RCW 57.02.050 and 1982 1st ex.s. c 17 s 5 are each
10 amended to read as follows:

11 Whenever the boundaries or proposed boundaries of a water district
12 include or are proposed to include by means of formation, annexation,
13 consolidation, or merger (including merger with a sewer district)
14 territory in more than one county, all duties delegated by Title 57 RCW
15 to officers of the county in which the district is located shall be
16 delegated to the officers of the county in which the largest land area
17 of the district is located, except that elections shall be conducted
18 pursuant to ((RCW 57.02.060, as now existing or hereafter amended))
19 general election law, actions subject to review and approval under RCW
20 57.02.040 and 56.02.070 shall be reviewed and approved only by the
21 officers or boards in the county in which such actions are proposed to
22 occur, verification of electors' signatures shall be conducted by the
23 county election officer of the county in which such signators reside,
24 and comprehensive plan review and approval or rejection by the
25 respective county legislative authorities under RCW 57.16.010 shall be
26 limited to that part of such plans within the respective counties.

27 **Sec. 65.** RCW 57.12.020 and 1990 c 259 s 30 are each amended to
28 read as follows:

29 ((Nominations for the first board of commissioners to be elected at
30 the election for the formation of the water district shall be by
31 petition of at least ten percent of the registered voters of the
32 district who voted in the last general municipal election, filed in the
33 auditor's office of the county in which the district is located, at
34 least forty five days prior to the election. Thereafter, candidates
35 for the office of water commissioners shall file declarations of

1 candidacy and their election shall be conducted as provided by the
2 general election laws.))

3 A vacancy ((or vacancies)) on the board shall occur and shall be
4 filled ((by appointment by the remaining commissioner or commissioners
5 until the next regular election for commissioners: PROVIDED, That if
6 there are two vacancies on the board, one vacancy shall be filled by
7 appointment by the remaining commissioner and the one remaining vacancy
8 shall be filled by appointment by the then two commissioners and the
9 appointed commissioners shall serve until the next regular election for
10 commissioners. If the vacancy or vacancies remain unfilled within six
11 months of its or their occurrence, the county legislative authority in
12 which the district is located shall make the necessary appointment or
13 appointments. If there is a vacancy of the entire board a new board
14 may be appointed by the county legislative authority.

15 Any person residing in the district who is a registered voter under
16 the laws of the state may vote at any district election)) as provided
17 in chapter 42.12 RCW.

18 **Sec. 66.** RCW 57.12.030 and 1982 1st ex.s. c 17 s 14 are each
19 amended to read as follows:

20 ((The general laws of the state of Washington governing the
21 registration of voters for a general or a special city election shall
22 govern the registration of voters for elections held under this
23 chapter. The manner of holding any general or special election for
24 said)) Water district elections shall be held in accordance with the
25 general election laws of this state. ((All elections in a water
26 district shall be conducted under RCW 57.02.060. All expenses of
27 elections for a water district shall be paid for out of the funds of
28 the water district: PROVIDED, That if the voters fail to approve the
29 formation of a water district, the expenses of the formation election
30 shall be paid by each county in which the proposed district is located,
31 in proportion to the number of registered voters in the proposed
32 district residing in each county.))

33 Except as in this section otherwise provided, the term of office of
34 each water district commissioner shall be six years, such term to be
35 computed from the first day of January following the election, and
36 ((one commissioner shall be elected at each biennial general election,
37 as provided in RCW 29.13.020, for the term of six years and until his
38 or her successor is)) commissioners shall serve until their successors

1 are elected and qualified and assume((s)) office in accordance with RCW
2 29.04.170. ((All candidates shall be voted upon by the entire water
3 district.))

4 Three water district commissioners shall be elected at the same
5 election at which the proposition is submitted to the voters as to
6 whether such water district shall be formed. ((The commissioner
7 elected in commissioner position number one shall hold office for the
8 term of six years; the commissioner elected in commissioner position
9 number two shall hold office for the term of four years; and the
10 commissioner elected in commissioner position number three shall hold
11 office for the term of two years: PROVIDED, That the members of the
12 first commission shall take office immediately upon their election and
13 qualification. The terms of all commissioners first to be elected
14 shall also include the time intervening between the date that the
15 results of their election are declared in the canvass of returns
16 thereof and the first day of January following the next general
17 district election as provided in RCW 29.13.020.)) The election of
18 water district commissioners shall be null and void if the ballot
19 proposition to form the water district is approved. Each candidate
20 shall run for one of three separate commissioner positions. A special
21 filing period shall be opened as provided in RCW 29.15.170 and
22 29.15.180. The person receiving the greatest number of votes for each
23 position shall be elected to that position.

24 The newly elected water district commissioners shall assume office
25 immediately when they are elected and qualified. Staggering of the
26 terms of office for the new water district commissioners shall be
27 accomplished as follows: (1) The person who is elected receiving the
28 greatest number of votes shall be elected to a six-year term of office
29 if the election is held in an odd-numbered year or a five-year term of
30 office if the election is held in an even-numbered year; (2) the person
31 who is elected receiving the next greatest number of votes shall be
32 elected to a four-year term of office if the election is held in an
33 odd-numbered year or a three-year term of office if the election is
34 held in an even-numbered year; and (3) the other person who is elected
35 shall be elected to a two-year term of office if the election is held
36 in an odd-numbered year or a one-year term of office if the election is
37 held in an even-numbered year. The terms of office shall be calculated
38 from the first day of January after the election.

1 Thereafter, commissioners shall be elected to six-year terms of
2 office. Commissioners shall serve until their successors are elected
3 and qualified and assume office in accordance with RCW 29.04.170.

4 **Sec. 67.** RCW 57.12.039 and 1986 c 41 s 2 are each amended to read
5 as follows:

6 Notwithstanding RCW 57.12.020 and 57.12.030, the board of
7 commissioners may provide by majority vote that subsequent
8 commissioners be elected from commissioner districts within the
9 district. If the board exercises this option, it shall divide the
10 district into three commissioner districts of approximately equal
11 population following current precinct and district boundaries.
12 (~~Thereafter, candidates shall be nominated and one candidate shall be~~
13 ~~elected from each commissioner district by the electors of the~~
14 ~~commissioner district.~~)

15 Commissioner districts shall be used as follows: (1) Only a
16 registered voter who resides in a commissioner district may be a
17 candidate for, or serve as, a commissioner of the commissioner
18 district; and (2) only voters of a commissioner district may vote at a
19 primary to nominate candidates for a commissioner of the commissioner
20 district. Voters of the entire water district may vote at a general
21 election to elect a person as a commissioner of the commissioner
22 district. Commissioner districts shall be redrawn as provided in
23 chapter 29.70 RCW.

24 **Sec. 68.** RCW 57.32.022 and 1982 1st ex.s. c 17 s 31 are each
25 amended to read as follows:

26 The respective boards of water commissioners of the consolidating
27 districts shall certify the agreement to the county election officer of
28 each county in which the districts are located. A special election
29 shall be called by the county election officer (~~under RCW 57.02.060~~)
30 for the purpose of submitting to the voters of each of the
31 consolidating districts the proposition of whether or not the several
32 districts shall be consolidated into one water district. The
33 proposition shall give the title of the proposed consolidated district.
34 Notice of the election shall be given and the election conducted in
35 accordance with the general election laws.

1 **Sec. 69.** RCW 57.32.023 and 1982 1st ex.s. c 17 s 32 are each
2 amended to read as follows:

3 If at the election a majority of the voters in each of the
4 consolidating districts vote in favor of the consolidation, the county
5 canvassing board shall so declare in its canvass (~~(under RCW~~
6 ~~57.02.060)~~) and the return of such election shall be made within ten
7 days after the date thereof. Upon the return the consolidation shall
8 be effective and the consolidating districts shall cease to exist and
9 shall then be and become a new water district and municipal corporation
10 of the state of Washington. The name of such new water district shall
11 be "Water District No.", which shall be the name appearing on the
12 ballot. The district shall have all and every power, right, and
13 privilege possessed by other water districts of the state of
14 Washington. The district may issue revenue bonds to pay for the
15 construction of any additions and betterments set forth in the
16 comprehensive plan of water supply contained in the agreement for
17 consolidation and any future additions and betterments to the
18 comprehensive plan of water supply, as its board of water commissioners
19 shall by resolution adopt, without submitting a proposition therefor to
20 the voters of the district.

21 NEW SECTION. **Sec. 70.** A new section is added to chapter 68.52 RCW
22 to read as follows:

23 Cemetery district elections shall conform with general election
24 laws.

25 A vacancy on a board of cemetery district commissioners shall occur
26 and shall be filled as provided in chapter 42.12 RCW.

27 **Sec. 71.** RCW 68.52.100 and 1947 c 6 s 2 are each amended to read
28 as follows:

29 For the purpose of forming a cemetery district, a petition
30 designating the boundaries of the proposed district by metes and bounds
31 or describing the lands to be included in the proposed district by
32 government townships, ranges and legal subdivisions, signed by not less
33 than fifteen percent of the (~~qualified~~) registered (~~electors, who~~
34 ~~are property owners or are purchasing property under contract and who~~
35 ~~are resident~~) voters who reside within the boundaries of the proposed
36 district, setting forth the object of the formation of such district
37 and stating that the establishment thereof will be conducive to the

1 public welfare and convenience, shall be filed with the county auditor
2 of the county within which the proposed district is located,
3 accompanied by an obligation signed by two or more petitioners agreeing
4 to pay the cost of publishing the notice hereinafter provided for. The
5 county auditor shall, within thirty days from the date of filing of
6 such petition, examine the signatures and certify to the sufficiency or
7 insufficiency thereof (~~and for such purpose shall have access to~~
8 ~~registration books and records in possession of the registration~~
9 ~~officers of the election precincts included in whole or in part within~~
10 ~~the boundaries of the proposed district and to the tax rolls and other~~
11 ~~records in the offices of the county assessor and county treasurer. No~~
12 ~~person having~~). The name of any person who signed a petition shall
13 not be (~~allowed to withdraw his name therefrom~~) withdrawn from the
14 petition after it has been filed with the county auditor. If the
15 petition is found to contain a sufficient number of valid signatures
16 (~~of qualified persons~~), the county auditor shall transmit it, with
17 (~~his~~) a certificate of sufficiency attached, to the (~~board of~~)
18 county (~~commissioners~~) legislative authority, which shall thereupon,
19 by resolution entered upon its minutes, receive the same and fix a day
20 and hour when it will publicly hear (~~said~~) the petition.

21 **Sec. 72.** RCW 68.52.140 and 1982 c 60 s 2 are each amended to read
22 as follows:

23 The (~~board of~~) county (~~commissioners~~) legislative authority
24 shall have full authority to hear and determine the petition, and if it
25 finds that the formation of the district will be conducive to the
26 public welfare and convenience, it shall by resolution so declare,
27 otherwise it shall deny the petition. If the (~~board~~) county
28 legislative authority finds in favor of the formation of the district,
29 it shall designate the name and number of the district, fix the
30 boundaries thereof, and cause an election to be held therein for the
31 purpose of determining whether or not the district shall be organized
32 under the provisions of this chapter, and for the purpose of electing
33 its first cemetery district commissioners. (~~The board shall, prior to~~
34 ~~calling the said election, name three registered resident electors who~~
35 ~~are property owners or are purchasing property under contract within~~
36 ~~the boundaries of the district as candidates for election as cemetery~~
37 ~~district commissioners. These electors are exempt from the~~
38 ~~requirements of chapter 42.17 RCW.)) At the same election three~~

1 cemetery district commissioners shall be elected, but the election of
2 the commissioners shall be null and void if the district is not
3 created. No primary shall be held. A special filing period shall be
4 opened as provided in RCW 29.15.170 and 29.15.180. Candidates shall
5 run for specific commissioner positions. The person receiving the
6 greatest number of votes for each commissioner position shall be
7 elected to that commissioner position. The terms of office of the
8 initial commissioners shall be as provided in RCW 68.52.220.

9 **Sec. 73.** RCW 68.52.160 and 1947 c 6 s 8 are each amended to read
10 as follows:

11 The ballot for (~~said~~) the election shall be in such form as may
12 be convenient but shall present the propositions substantially as
13 follows:

14 ".....(insert county name)..... cemetery district No.(insert
15 number).....

16 Yes.....

17 ".....(insert county name)..... cemetery district No.(insert
18 number).....

19 No....."

20 (~~and shall specify the names of the candidates nominated for election~~
21 ~~as the first cemetery district commissioners with appropriate space to~~
22 ~~vote for the same.))~~

23 **Sec. 74.** RCW 68.52.220 and 1990 c 259 s 33 are each amended to
24 read as follows:

25 The affairs of the district shall be managed by a board of cemetery
26 district commissioners composed of three (~~qualified registered voters~~
27 ~~of the district~~) members. Members of the board shall receive no
28 compensation for their services, but shall receive expenses necessarily
29 incurred in attending meetings of the board or when otherwise engaged
30 in district business. The board shall fix the compensation to be paid
31 the secretary and other employees of the district. (~~The first three~~
32 ~~cemetery district commissioners shall serve only until the first day in~~
33 ~~January following the next general election, provided such election~~
34 ~~occurs thirty or more days after the formation of the district, and~~
35 ~~until their successors have been elected and qualified and have assumed~~

1 office in accordance with RCW 29.04.170. At the next general district
2 election, as provided in RCW 29.13.020, provided it occurs thirty or
3 more days after the formation of the district, three members of the
4 board of cemetery commissioners shall be chosen. They and all
5 subsequently elected cemetery commissioners shall have the same
6 qualifications as required of the first three cemetery commissioners
7 and)) Cemetery district commissioners and candidates for cemetery
8 district commissioner are exempt from the requirements of chapter 42.17
9 RCW. ((The candidate receiving the highest number of votes shall serve
10 for a term of six years beginning on the first day in January
11 following; the candidate receiving the next higher number of votes
12 shall serve for a term of four years from the date; and the candidate
13 receiving the next higher number of votes shall serve for a term of two
14 years from the date. Upon the expiration of their respective terms,
15 all cemetery commissioners shall be elected for terms of six years to
16 begin on the first day in January next succeeding the day of election
17 and shall serve until their successors have been elected and qualified
18 and assume office in accordance with RCW 29.04.170. Elections shall be
19 called, noticed, conducted and canvassed and in the same manner and by
20 the same officials as provided for general county elections.))

21 The initial cemetery district commissioners shall assume office
22 immediately upon their election and qualification. Staggering of terms
23 of office shall be accomplished as follows: (1) The person elected
24 receiving the greatest number of votes shall be elected to a six-year
25 term of office if the election is held in an odd-numbered year or a
26 five-year term of office if the election is held in an even-numbered
27 year; (2) the person who is elected receiving the next greatest number
28 of votes shall be elected to a four-year term of office if the election
29 is held in an odd-numbered year or a three-year term of office if the
30 election is held in an even-numbered year; and (3) the other person who
31 is elected shall be elected to a two-year term of office if the
32 election is held in an odd-numbered year or a one-year term of office
33 if the election is held in an even-numbered year. The initial
34 commissioners shall assume office immediately after they are elected
35 and qualified but their terms of office shall be calculated from the
36 first day of January after the election.

37 Thereafter, commissioners shall be elected to six-year terms of
38 office. Commissioners shall serve until their successors are elected
39 and qualified and assume office as provided in RCW 29.04.170.

1 The polling places for a cemetery district election (~~(shall be~~
2 ~~those of the county voting precincts which include any of the territory~~
3 ~~within the cemetery district, and)) may be located inside or outside
4 the boundaries of the district, as determined by the auditor of the
5 county in which the cemetery district is located, and no such election
6 shall be held irregular or void on that account.~~

7 **Sec. 75.** RCW 70.44.040 and 1990 c 259 s 39 are each amended to
8 read as follows:

9 (1) The provisions of Title 29 RCW relating to elections shall
10 govern public hospital districts, except (~~that:—(1))~~) as provided in
11 this chapter.

12 A public hospital district shall be created when the ballot
13 proposition authorizing the creation of the district is approved by a
14 simple majority vote of the voters of the proposed district voting on
15 the proposition and the total vote cast upon the proposition (~~(to form~~
16 ~~a hospital district shall))~~ exceeds forty percent of the total number
17 of votes cast in the (~~(precincts comprising the))~~ proposed district at
18 the preceding state general (~~(and county))~~ election(~~(; and (2) hospital~~
19 ~~district commissioners shall hold office for the term of six years and~~
20 ~~until their successors are elected and qualified, each term to commence~~
21 ~~on the first day in January following the election))~~).

22 At the election at which the proposition is submitted to the voters
23 as to whether a district shall be formed, three commissioners shall be
24 elected (~~(to hold office, respectively, for the terms of two, four, and~~
25 ~~six years. All candidates shall be voted upon by the entire district,~~
26 ~~and the candidate residing in commissioner district No. 1 receiving the~~
27 ~~highest number of votes in the hospital district shall hold office for~~
28 ~~the term of six years; the candidate residing in commissioner district~~
29 ~~No. 2 receiving the highest number of votes in the hospital district~~
30 ~~shall hold office for the term of four years; and the candidate~~
31 ~~residing in commissioner district No. 3 receiving the highest number of~~
32 ~~votes in the hospital district shall hold office for the term of two~~
33 ~~years. The first commissioners to be elected shall take office~~
34 ~~immediately when qualified in accordance with RCW 29.01.135. Each term~~
35 ~~of the initial commissioners shall date from the time above specified~~
36 ~~following the organizational election, but shall also include the~~
37 ~~period intervening between the organizational election and the first~~
38 ~~day of January following the next district general election: PROVIDED,~~

1 That in public hospital districts encompassing portions of more than
2 one county, the total vote cast upon the proposition to form the
3 district shall exceed forty percent of the total number of votes cast
4 in each portion of each county lying within the proposed district at
5 the next preceding general county election. The portion of the
6 proposed district located within each county shall constitute a
7 separate commissioner district. There shall be three district
8 commissioners whose terms shall be six years. Each district shall be
9 designated by the name of the county in which it is located. All
10 candidates for commissioners shall be voted upon by the entire
11 district. Not more than one commissioner shall reside in any one
12 district: PROVIDED FURTHER, That in the event there are only two
13 districts then two commissioners may reside in one district. The term
14 of each commissioner shall commence on the first day in January in each
15 year following his election. At the election at which the proposition
16 is submitted to the voters as to whether a district shall be formed,
17 three commissioners shall be elected to hold office, respectively, for
18 the terms of two, four, and six years. The candidate receiving the
19 highest number of votes within the district, as constituted by the
20 election, shall serve a term of six years; the candidate receiving the
21 next highest number of votes shall hold office for a term of four
22 years; and the candidate receiving the next highest number of votes
23 shall hold office for a term of two years: PROVIDED FURTHER, That the
24 holding of each such term of office shall be subject to the residential
25 requirements for district commissioners hereinbefore set forth in this
26 section)). The election of the initial commissioners shall be null and
27 void if the district is not authorized to be created.

28 No primary shall be held. A special filing period shall be opened
29 as provided in RCW 29.15.170 and 29.15.180. The person receiving the
30 greatest number of votes for the commissioner of each commissioner
31 district shall be elected as the commissioner of that district. The
32 terms of office of the initial public hospital district commissioners
33 shall be staggered as follows: (a) The person who is elected receiving
34 the greatest number of votes shall be elected to a six-year term of
35 office if the election is held in an odd-numbered year or a five-year
36 term of office if the election is held in an even-numbered year; (b)
37 the person who is elected receiving the next greatest number of votes
38 shall be elected to a four-year term of office if the election is held
39 in an odd-numbered year or a three-year term of office if the election

1 is held in an even-numbered year; and (c) the other person who is
2 elected shall be elected to a two-year term of office if the election
3 is held in an odd-numbered year or a one-year term of office if the
4 election is held in an even-numbered year. The initial commissioners
5 shall take office immediately when they are elected and qualified, but
6 the length of such terms shall be computed from the first day of
7 January in the year following this election. The term of office of
8 each successor shall be six years. Each commissioner shall serve until
9 a successor is elected and qualified and assumes office in accordance
10 with RCW 29.04.170.

11 (2) Commissioner districts shall be used as follows: (a) Only a
12 registered voter who resides in a commissioner district may be a
13 candidate for, or hold office as, a commissioner of the commissioner
14 district; and (b) only voters of a commissioner district may vote at a
15 primary to nominate candidates for a commissioner of the commissioner
16 district. Voters of the entire public hospital district may vote at a
17 general election to elect a person as a commissioner of the
18 commissioner district.

19 If the proposed public hospital district is county-wide, and the
20 county has three county legislative authority districts, the county
21 legislative authority districts shall be used as public hospital
22 district commissioner districts. In all other instances the county
23 auditor of the county in which all or the largest portion of the
24 proposed public hospital district is located shall draw the initial
25 three public hospital district commissioner districts, each of which
26 shall constitute as nearly as possible one-third of the total
27 population of the proposed public hospital district and number the
28 districts one, two, and three. Each of the three commissioner
29 positions shall be numbered one through three and associated with the
30 district of the same number.

31 The public hospital district commissioners may redraw commissioner
32 districts, if the public hospital district has boundaries that are not
33 coterminous with the boundaries of a county with three county
34 legislative authority districts, so that each district comprises as
35 nearly as possible one-third of the total population of the public
36 hospital district. The commissioners of a public hospital district
37 that is not coterminous with the boundaries of a county that has three
38 county legislative authority districts shall redraw hospital district
39 commissioner boundaries as provided in chapter 29.70 RCW.

1 **Sec. 76.** RCW 70.44.045 and 1982 c 84 s 13 are each amended to read
2 as follows:

3 A vacancy in the office of commissioner shall occur as provided in
4 chapter 42.12 RCW or by ~~((death, resignation, removal, conviction of~~
5 ~~felony,))~~ nonattendance at meetings of the commission for sixty days,
6 unless excused by the commission~~((, by any statutory disqualification,~~
7 ~~by any permanent disability preventing the proper discharge of his~~
8 ~~duty, or by creation of positions pursuant to RCW 70.44.051, et seq))~~.
9 A vacancy ~~((or vacancies on the board))~~ shall be filled ~~((by~~
10 ~~appointment by the remaining commissioner or commissioners until the~~
11 ~~next regular election for commissioners as provided by RCW 70.44.040:~~
12 ~~PROVIDED, That if there is only one remaining commissioner, one vacancy~~
13 ~~shall be filled by appointment by the remaining commissioner and the~~
14 ~~remaining vacancy or vacancies shall be filled by appointment by the~~
15 ~~then two commissioners and the appointed commissioners shall serve~~
16 ~~until the next regular election for commissioners: PROVIDED FURTHER,~~
17 ~~That if there is a vacancy of the entire board, a new board may be~~
18 ~~appointed by the board of county commissioners or county council))~~ as
19 provided in chapter 42.12 RCW.

20 **Sec. 77.** RCW 70.44.053 and 1967 c 77 s 2 are each amended to read
21 as follows:

22 At any general or special election which may be called for that
23 purpose the board of public hospital district commissioners may, or on
24 petition of ten percent of the ~~((electors))~~ voters based on the total
25 vote cast in the last district general election in the public hospital
26 district shall, by resolution, submit to the voters of the district the
27 proposition increasing the number of commissioners to ~~((any number~~
28 ~~authorized in RCW 70.44.051))~~ either five or seven members. The
29 petition or resolution shall specify whether it is proposed to increase
30 the number of commissioners to either five or seven members.

31 If the voters of the district approve the ballot proposition
32 authorizing the increase in the number of commissioners to either five
33 or seven members, the board of commissioners shall redistrict the
34 public hospital district into the appropriate number of commissioner
35 districts. The additional commissioners shall be elected from
36 commissioner districts in which no existing commissioner resides at the
37 next state general election occurring one hundred twenty days or more
38 after the date of the election at which the voters of the district

1 approved the ballot proposition authorizing the increase in the number
2 of commissioners. If needed, special filing periods shall be
3 authorized as provided in RCW 29.15.170 and 29.15.180 for qualified
4 persons to file for the vacant office. A primary shall be held to
5 nominate candidates if sufficient time exists to hold a primary and
6 more than two candidates file for the vacant office. Otherwise, a
7 primary shall not be held and the candidate receiving the greatest
8 number of votes for each position shall be elected. Except for the
9 initial terms of office, persons elected to each of these additional
10 commissioner positions shall be elected to a six-year term.

11 Where the number of commissioners is increased from three to five,
12 the initial terms of the two new commissioners shall be staggered so
13 that the person who is elected receiving the greatest number of votes
14 shall be elected to a six-year term of office if the election is held
15 in an odd-numbered year or a five-year term if the election is held in
16 an even-numbered year, and the other person elected shall be elected to
17 a four-year term of office if the election is held in an odd-numbered
18 year or a three-year term if the election is held in an even-numbered
19 year. The newly elected commissioners shall assume office as provided
20 in RCW 29.04.170.

21 Where the number of commissioners is increased from three or five
22 to seven, the county auditor of the county in which all or the largest
23 portion of the hospital district is located shall cause the initial
24 terms of office of the additional commissioners to be staggered over
25 the next three district general elections so that two commissioners
26 would normally be elected at the first district general election
27 following the election where the additional commissioners are elected,
28 two commissioners are normally elected at the second district general
29 election after the election of the additional commissioners, and three
30 commissioners are normally elected at the third district general
31 election following the election of the additional commissioners. The
32 newly elected commissioners shall assume office as provided in RCW
33 29.04.170.

34 **Sec. 78.** RCW 70.77.177 and 1984 c 249 s 6 are each amended to read
35 as follows:

36 "Local fire official" means the chief of a local fire department or
37 (~~fire protection district,~~) a chief fire protection officer or such
38 other person as may be designated by the governing body of a city(~~)~~)

1 or county(~~((or district))~~) to act as a local fire official under this
2 chapter.

3 NEW SECTION. Sec. 79. A new section is added to chapter 70.77 RCW
4 to read as follows:

5 "City" means any city or town.

6 **Sec. 80.** RCW 70.77.265 and 1984 c 249 s 12 are each amended to
7 read as follows:

8 The local fire official receiving an application for a permit under
9 RCW 70.77.260(1) shall investigate the application and submit a report
10 of findings and a recommendation for or against the issuance of the
11 permit, together with reasons, to the governing body of the city(~~((or)~~)
12 or county(~~((or fire protection district))~~)).

13 **Sec. 81.** RCW 70.77.270 and 1984 c 249 s 13 are each amended to
14 read as follows:

15 The governing body of a city(~~((or)~~) or county(~~((or fire protection~~
16 ~~district))~~) may grant or deny an application for a permit under RCW
17 70.77.260(1). The governing body may place reasonable conditions on
18 any permit it issues.

19 **Sec. 82.** RCW 70.77.280 and 1984 c 249 s 14 are each amended to
20 read as follows:

21 The local fire official receiving an application for a permit under
22 RCW 70.77.260(2) for a public display of fireworks shall investigate
23 whether the character and location of the display as proposed would be
24 hazardous to property or dangerous to any person. Based on the
25 investigation, the official shall submit a report of findings and a
26 recommendation for or against the issuance of the permit, together with
27 reasons, to the governing body of the city(~~((or)~~) or county(~~((or fire~~
28 ~~protection district))~~). The governing body may grant or deny the
29 application and may place reasonable conditions on any permit it
30 issues.

31 **Sec. 83.** RCW 70.77.355 and 1986 c 266 s 105 are each amended to
32 read as follows:

33 (1) Any adult person may secure a general license from the director
34 of community development, through the director of fire protection, for

1 the public display of fireworks within the state of Washington. A
2 general license is subject to the provisions of this chapter relative
3 to the securing of local permits for the public display of fireworks in
4 any city(~~(,)~~) or county(~~(, or fire protection district)~~), except that
5 in lieu of filing the bond or certificate of public liability insurance
6 with the appropriate local official under RCW 70.77.260 as required in
7 RCW 70.77.285, the same bond or certificate shall be filed with the
8 director of community development, through the director of fire
9 protection. The bond or certificate of insurance for a general license
10 in addition shall provide that: (a) The insurer will not cancel the
11 insured's coverage without fifteen days prior written notice to the
12 director of community development, through the director of fire
13 protection; (b) the duly licensed pyrotechnic operator required by law
14 to supervise and discharge the public display, acting either as an
15 employee of the insured or as an independent contractor and the state
16 of Washington, its officers, agents, employees, and servants are
17 included as additional insureds, but only insofar as any operations
18 under contract are concerned; and (c) the state is not responsible for
19 any premium or assessments on the policy.

20 (2) The director of community development, through the director of
21 fire protection, may issue such general licenses. The holder of a
22 general license shall file a certificate from the director of community
23 development, through the director of fire protection, evidencing the
24 license with any application for a local permit for the public display
25 of fireworks under RCW 70.77.260.

26 **Sec. 84.** RCW 70.77.450 and 1986 c 266 s 113 are each amended to
27 read as follows:

28 The director of community development, through the director of fire
29 protection, may make an examination of the books and records of any
30 licensee, or other person relative to fireworks, and may visit and
31 inspect the premises of any licensee he or she may deem at any time
32 necessary for the purpose of enforcing the provisions of this chapter.
33 The licensee, owner, lessee, manager, or operator of any such building
34 or premises shall permit the director of community development, through
35 the director of fire protection, his or her deputies(~~(, his or her)~~) or
36 salaried assistants ((and the chief of any city or county fire
37 department or fire protection district)), the local fire official, and

1 their authorized representatives to enter and inspect the premises at
2 the time and for the purpose stated in this section.

3 **Sec. 85.** RCW 70.95A.030 and 1973 c 132 s 4 are each amended to
4 read as follows:

5 In addition to any other powers which it may now have, each
6 municipality shall have the following powers:

7 (1) To acquire, whether by construction, purchase, devise, gift or
8 lease, or any one or more of such methods, one or more facilities which
9 shall be located within, or partially within the municipality. Each
10 facility must have a separate value to the municipality beyond its
11 potential use to an entity that has leased the facility from the
12 municipality;

13 (2) To lease, lease with option to purchase, sell or sell by
14 installment sale, any or all of the facilities upon such terms and
15 conditions as the governing body may deem advisable but which shall
16 (~~at least~~) more than fully reimburse the municipality for all debt
17 service on any bonds issued to finance the facilities and for all costs
18 incurred by the municipality in financing and operating the facilities
19 and as shall not conflict with the provisions of this chapter. The
20 term of each lease must be less than the term of the municipality's
21 ownership in the leased facility by at least one month;

22 (3) To issue revenue bonds for the purpose of defraying the cost of
23 acquiring or improving any facility or facilities or refunding any
24 bonds issued for such purpose and to secure the payment of such bonds
25 as provided in this chapter. Revenue bonds may be issued in one or
26 more series or issues where deemed advisable, and each such series or
27 issue may have the same or different maturity dates, interest rates,
28 priorities on revenues available for payment of such bonds and
29 priorities on security available for assuring payment thereof, and such
30 other differing terms and conditions as are deemed necessary and are
31 not in conflict with the provisions of this chapter.

32 **Sec. 86.** RCW 70.95A.060 and 1973 c 132 s 7 are each amended to
33 read as follows:

34 Prior to the issuance of the bonds authorized by this chapter, the
35 municipality may lease the facilities to a lessee or lessees under an
36 agreement providing for payment to the municipality of such rentals as
37 will be more than sufficient (a) to pay the principal of and interest

1 on the bonds issued to finance the facilities, (b) to pay the taxes on
2 the facilities, (c) to build up and maintain any reserves deemed by the
3 governing body to be advisable in connection therewith, and (d) unless
4 the agreement of lease obligates the lessees to pay for the maintenance
5 and insurance of the facilities, to pay the costs of maintaining the
6 facilities in good repair and keeping the same properly insured.
7 Subject to the limitations of this chapter, the lease or extensions or
8 modifications thereof may contain such other terms and conditions as
9 may be mutually acceptable to the parties(~~(, and)~~). The term of the
10 lease must be less than the term of the municipality's ownership in the
11 leased facility by at least one month. Notwithstanding any other
12 provisions of law relating to the sale of property owned by
13 municipalities, such lease may contain an option for the lessees to
14 purchase the facilities on such terms and conditions with or without
15 consideration as may be mutually acceptable to the parties.

16 **Sec. 87.** RCW 84.09.030 and 1989 c 378 s 8 and 1989 c 217 s 1 are
17 each reenacted and amended to read as follows:

18 Except as follows, the boundaries of counties, cities and all other
19 taxing districts, for purposes of property taxation and the levy of
20 property taxes, shall be the established official boundaries of such
21 districts existing on the first day of March of the year in which the
22 property tax levy is made.

23 The official boundaries of a newly incorporated taxing district
24 shall be established at a different date in the year in which the
25 incorporation occurred as follows:

26 (1) Boundaries for a newly incorporated city shall be established
27 on the last day of March of the year in which the initial property tax
28 levy is made, and the boundaries of a road district, library district,
29 or fire protection district or districts, that include any portion of
30 the area that was incorporated within its boundaries shall be altered
31 as of this date to exclude this area, if the budget for the newly
32 incorporated city is filed pursuant to RCW 84.52.020 and the levy
33 request of the newly incorporated city is made pursuant to RCW
34 84.52.070. Whenever a proposed city incorporation is on the March
35 special election ballot, the county auditor shall submit the legal
36 description of the proposed city to the department of revenue on or
37 before the first day of March;

1 (2) Boundaries for a newly incorporated port district shall be
2 established on the first day of October if the boundaries of the newly
3 incorporated port district are coterminous with the boundaries of
4 another taxing district, as they existed on the first day of March of
5 that year;

6 (3) Boundaries of any other newly incorporated taxing district
7 shall be established on the first day of June of the year in which the
8 property tax levy is made if the taxing district has boundaries
9 coterminous with the boundaries of another taxing district, as they
10 existed on the first day of March of that year.

11 The boundaries of a taxing district shall be established on the
12 first day of June if territory has been added to, or removed from, the
13 taxing district after the first day of March of that year with
14 boundaries coterminous with the boundaries of another taxing district
15 as they existed on the first day of March of that year. However, the
16 boundaries of a road district, library district, or fire protection
17 district or districts, that include any portion of the area that was
18 annexed to a city or town within its boundaries shall be altered as of
19 this date to exclude this area. In any case where any instrument
20 setting forth the official boundaries of any newly established taxing
21 district, or setting forth any change in such boundaries, is required
22 by law to be filed in the office of the county auditor or other county
23 official, said instrument shall be filed in triplicate. The officer
24 with whom such instrument is filed shall transmit two copies to the
25 county assessor.

26 (4) The boundaries of a newly incorporated water district formed as
27 a result of a special election held in March shall be established as of
28 the first day of June next following the election.

29 No property tax levy shall be made for any taxing district whose
30 boundaries are not established as of the dates provided in this
31 section.

32 **Sec. 88.** RCW 54.16.030 and 1955 c 390 s 4 are each amended to read
33 as follows:

34 A district may construct, purchase, condemn and purchase, acquire,
35 add to, maintain, conduct, and operate water works and irrigation
36 plants and systems, within or without its limits, for the purpose of
37 furnishing the district, and the inhabitants thereof, and any other
38 persons including public and private corporations within or without its

1 limits, with an ample supply of water for all purposes, public and
2 private, including water power, domestic use, and irrigation, with full
3 and exclusive authority to sell and regulate and control the use,
4 distribution, and price thereof. The district may exercise all powers
5 granted to water districts pursuant to chapter 57.08 RCW that are not
6 inconsistent with the express provisions of this title.

7 NEW SECTION. **Sec. 89.** A new section is added to chapter 35.21 RCW
8 to read as follows:

9 The council of a city or town that has territory included in two
10 counties may adopt an ordinance creating an urban emergency medical
11 service district in all of the portion of the city or town that is
12 located in one of the two counties if: (1) The county in which the
13 urban emergency medical service district is located does not impose an
14 emergency medical service levy authorized under RCW 84.52.069; and (2)
15 the other county in which the city or town is located does impose an
16 emergency medical service levy authorized under RCW 84.52.069. The
17 ordinance creating the district may only be adopted after a public
18 hearing has been held on the creation of the district and the council
19 makes a finding that it is in the public interest to create the
20 district. The members of the city or town council, acting in an ex
21 officio capacity and independently, shall compose the governing body of
22 the urban emergency medical service district. The voters of an urban
23 emergency medical service district shall be all registered voters
24 residing within the urban emergency medical service district.

25 An urban emergency medical service district shall be a quasi-
26 municipal corporation and an independent taxing "authority" within the
27 meaning of Article VII, section 1 of the state Constitution. Urban
28 emergency medical service districts shall also be "taxing authorities"
29 within the meaning of Article VII, section 2 of the state Constitution.

30 An urban emergency medical service district shall have the
31 authority to contract under chapter 39.34 RCW with a county, city,
32 town, fire protection district, public hospital district, or emergency
33 medical service district to have emergency medical services provided
34 within its boundaries.

35 Territory located in the same county as an urban emergency medical
36 service district that is annexed by the city or town shall
37 automatically be annexed to the urban emergency medical service
38 district.

1 **Sec. 90.** RCW 84.52.069 and 1991 c 175 s 1 are each amended to read
2 as follows:

3 (1) As used in this section, "taxing district" means a county,
4 emergency medical service district, city or town, public hospital
5 district, urban emergency medical service district, or fire protection
6 district.

7 (2) A taxing district may impose additional regular property tax
8 levies in an amount equal to fifty cents or less per thousand dollars
9 of the assessed value of property in the taxing district in each year
10 for six consecutive years when specifically authorized so to do by a
11 majority of at least three-fifths of the registered voters thereof
12 approving a proposition authorizing the levies submitted at a general
13 or special election, at which election the number of persons voting
14 "yes" on the proposition shall constitute three-fifths of a number
15 equal to forty per centum of the total (~~votes east~~) number of voters
16 voting in such taxing district at the last preceding general election
17 when the number of registered voters voting on the proposition does not
18 exceed forty per centum of the total (~~votes east~~) number of voters
19 voting in such taxing district in the last preceding general election;
20 or by a majority of at least three-fifths of the registered voters
21 thereof voting on the proposition when the number of registered voters
22 voting on the proposition exceeds forty per centum of the total (~~votes~~
23 ~~east~~) number of voters voting in such taxing district in the last
24 preceding general election. Ballot propositions shall conform with RCW
25 29.30.111.

26 (3) Any tax imposed under this section shall be used only for the
27 provision of emergency medical care or emergency medical services,
28 including related personnel costs, training for such personnel, and
29 related equipment, supplies, vehicles and structures needed for the
30 provision of emergency medical care or emergency medical services.

31 (4) If a county levies a tax under this section, no taxing district
32 within the county may levy a tax under this section. No other taxing
33 district may levy a tax under this section if another taxing district
34 has levied a tax under this section within its boundaries: PROVIDED,
35 That if a county levies less than fifty cents per thousand dollars of
36 the assessed value of property, then any other taxing district may levy
37 a tax under this section equal to the difference between the rate of
38 the levy by the county and fifty cents: PROVIDED FURTHER, That if a
39 taxing district within a county levies this tax, and the voters of the

1 county subsequently approve a levying of this tax, then the amount of
2 the taxing district levy within the county shall be reduced, when the
3 combined levies exceed fifty cents. Whenever a tax is levied county-
4 wide, the service shall, insofar as is feasible, be provided throughout
5 the county: PROVIDED FURTHER, That no county-wide levy proposal may be
6 placed on the ballot without the approval of the legislative authority
7 of each city exceeding fifty thousand population within the county:
8 AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not
9 prohibit any city or town from levying an annual excess levy to fund
10 emergency medical services: AND PROVIDED, FURTHER, That if a county
11 proposes to impose tax levies under this section, no other ballot
12 proposition authorizing tax levies under this section by another taxing
13 district in the county may be placed before the voters at the same
14 election at which the county ballot proposition is placed: AND
15 PROVIDED FURTHER, That any taxing district emergency medical service
16 levy that is authorized subsequent to a county emergency medical
17 service levy, shall expire concurrently with the county emergency
18 medical service levy.

19 (5) The tax levy authorized in this section is in addition to the
20 tax levy authorized in RCW 84.52.043.

21 (6) The limitation in RCW 84.55.010 shall not apply to the first
22 levy imposed pursuant to this section following the approval of such
23 levy by the voters pursuant to subsection (2) of this section.

24 (7) No taxing district may levy under this section more than
25 twenty-five cents per thousand dollars of assessed value of property if
26 reductions under RCW 84.52.010(2) are made for the year within the
27 boundaries of the taxing district.

28 **Sec. 91.** RCW 53.12.010 and 1992 c 146 s 1 are each amended to read
29 as follows:

30 The powers of the port district shall be exercised through a port
31 commission consisting of three or, when permitted by this title, five
32 members. Every port district that is not coextensive with a county
33 having a population of five hundred thousand or more shall be divided
34 into ~~((three))~~ the same number of commissioner districts as there are
35 commissioner positions, each having approximately equal population.
36 Where a port district with three commissioner positions is coextensive
37 with the boundaries of a county that has a population of less than five
38 hundred thousand and the county has three county legislative authority

1 districts, the port (~~district~~) commissioner districts shall be the
2 county legislative authority districts. In other instances where a
3 port district is divided into commissioner districts, the (~~petition~~
4 ~~proposing the formation of such a~~) port commission shall divide the
5 port district (~~shall describe three~~) into commissioner districts
6 (~~each having approximately the same population and~~) unless the
7 commissioner districts have been described pursuant to section 93 of
8 this act. The commissioner districts shall be altered as provided in
9 chapter 53.16 RCW.

10 Commissioner districts shall be used as follows: (1) Only a
11 registered voter who resides in a commissioner district may be a
12 candidate for, or hold office as, a commissioner of the commissioner
13 district; and (2) only the voters of a commissioner district may vote
14 at a primary (~~election~~) to nominate candidates for a commissioner of
15 the commissioner district. Voters of the entire port district may vote
16 at a general election to elect a person as a commissioner of the
17 commissioner district.

18 (~~In port districts having additional commissioners as authorized~~
19 ~~by RCW 53.12.120, 53.12.130, and 53.12.115, the powers of the port~~
20 ~~district shall be exercised through a port commission consisting of~~
21 ~~five members constituted as provided therein.~~)

22 NEW SECTION. Sec. 92. A new section is added to chapter 53.12 RCW
23 to read as follows:

24 Any less than county-wide port district that uses commissioner
25 districts may cease using commissioner districts as provided in this
26 section.

27 The commissioners of a less than county-wide port district that is
28 divided into commissioner districts may adopt a resolution eliminating
29 the use of commissioner districts in the port district. A copy of the
30 resolution shall be transmitted to the county auditor. Commissioner
31 districts shall not be used in that port district commencing at the
32 next district election occurring one hundred twenty or more days after
33 the county auditor receives a copy of the resolution.

34 A ballot proposition authorizing the elimination of commissioner
35 districts shall be submitted to the voters of a less than county-wide
36 port district that is divided into commissioner districts if a petition
37 is submitted to the port commission proposing that the port district
38 cease using commissioner districts, that is signed by registered voters

1 of the port district equal in number to at least ten percent of the
2 number of voters who voted at the last district general election. The
3 port commission shall transfer the petition immediately to the county
4 auditor who shall review the signatures and certify its sufficiency.
5 A ballot proposition authorizing the elimination of commissioner
6 districts shall be submitted at the next district general election
7 occurring sixty or more days after a petition with sufficient
8 signatures was submitted. If the ballot proposition authorizing the
9 port district to cease using commissioner districts is approved by a
10 simple majority vote, the port district shall cease using commissioner
11 districts at all subsequent elections. The port commission may adopt
12 a resolution eliminating the use of commissioner districts in lieu of
13 having the ballot proposition submitted to district voters.

14 NEW SECTION. **Sec. 93.** A new section is added to chapter 53.04 RCW
15 to read as follows:

16 Three commissioner districts, each with approximately the same
17 population, shall be described in the petition proposing the creation
18 of a port district under RCW 53.04.020, if the process to create the
19 port district was initiated by voter petition, or shall be described by
20 the county legislative authority, if the process to initiate the
21 creation of the port district was by action of the county legislative
22 authority. However, commissioner districts shall not be described if
23 the commissioner districts of the proposed port district shall be the
24 same as the county legislative authority districts.

25 The initial port commissioners shall be elected as provided in RCW
26 53.12.172.

27 **Sec. 94.** RCW 53.04.023 and 1993 c 70 s 1 are each amended to read
28 as follows:

29 A less than county-wide port district with an assessed valuation of
30 at least seventy-five million dollars may be created in a county that
31 already has a less than county-wide port district located within its
32 boundaries. Except as provided in this section, such a port district
33 shall be created in accordance with the procedure to create a county-
34 wide port district.

35 The effort to create such a port district is initiated by the
36 filing of a petition with the county auditor calling for the creation
37 of such a port district, describing the boundaries of the proposed port

1 district, designating either three or five commissioner positions,
2 describing commissioner districts if the petitioners propose that the
3 commissioners represent districts, and providing a name for the
4 proposed port district. The petition must be signed by voters residing
5 within the proposed port district equal in number to at least ten
6 percent of such voters who voted at the last county general election.

7 A public hearing on creation of the proposed port district shall be
8 held by the county legislative authority if the county auditor
9 certifies that the petition contained sufficient valid signatures.
10 Notice of the public hearing must be published in the county's official
11 newspaper at least ten days prior to the date of the public hearing.
12 After taking testimony, the county legislative authority may make
13 changes in the boundaries of the proposed port district if it finds
14 that such changes are in the public interest and shall determine if the
15 creation of the port district is in the public interest. No area may
16 be added to the boundaries unless a subsequent public hearing is held
17 on the proposed port district.

18 The county legislative authority shall submit a ballot proposition
19 authorizing the creation of the proposed port district to the voters of
20 the proposed port district, at any special election date provided in
21 RCW 29.13.020, if it finds the creation of the port district to be in
22 the public interest.

23 The port district shall be created if a majority of the voters
24 voting on the ballot proposition favor the creation of the port
25 district. The initial port commissioners shall be elected at the same
26 election, from districts or at large, as provided in the petition
27 initiating the creation of the port district. The election shall be
28 otherwise conducted as provided in RCW 53.12.172, but the election of
29 commissioners shall be null and void if the port district is not
30 created. (~~Commissioner districts shall not be used in the initial~~
31 ~~election of the port commissioners.~~)

32 This section shall expire July 1, 1997.

33 **Sec. 95.** RCW 53.12.172 and 1992 c 146 s 2 are each reenacted and
34 amended to read as follows:

35 (1) In every port district the term of office of each port
36 commissioner shall be four years in each port district that is county-
37 wide with a population of one hundred thousand or more, or either six
38 or four years in all other port districts as provided in RCW 53.12.175,

1 and until a successor is elected and qualified and assumes office in
2 accordance with RCW 29.04.170.

3 (2) The initial port commissioners shall be elected at the same
4 election as when the ballot proposition is submitted to voters
5 authorizing the creation of the port district. If the port district is
6 created the persons elected at this election shall serve as the initial
7 port commission. No primary shall be held. The person receiving the
8 greatest number of votes for commissioner from each commissioner
9 district shall be elected as the commissioner of that district.

10 (3) The terms of office of the initial port commissioners shall be
11 staggered as follows in a port district that is county-wide with a
12 population of one hundred thousand or more: ((+1)) (a) The two
13 persons who are elected receiving the two greatest numbers of votes
14 shall be elected to four-year terms of office if the election is held
15 in an odd-numbered year, or three-year terms of office if the election
16 is held in an even-numbered year, and shall hold office until
17 successors are elected and qualified and assume office in accordance
18 with RCW 29.04.170; and ((+2)) (b) the other person who is elected
19 shall be elected to a two-year term of office if the election is held
20 in an odd-numbered year, or a one-year term of office if the election
21 is held in an even-numbered year, and shall hold office until a
22 successor is elected and qualified and assumes office in accordance
23 with RCW 29.04.170.

24 (4) The terms of office of the initial port commissioners in all
25 other port districts shall be staggered as follows: (a) The person who
26 is elected receiving the greatest number of votes shall be elected to
27 a six-year term of office if the election is held in an odd-numbered
28 year or to a five-year term of office if the election is held in an
29 even-numbered year, and shall hold office until a successor is elected
30 and qualified and assumes office in accordance with RCW 29.04.170; (b)
31 the person who is elected receiving the next greatest number of votes
32 shall be elected to a four-year term of office if the election is held
33 in an odd-numbered year or to a three-year term of office if the
34 election is held in an even-numbered year, and shall hold office until
35 a successor is elected and qualified and assumes office in accordance
36 with RCW 29.04.170; and (c) the other person who is elected shall be
37 elected to a two-year term of office if the election is held in an odd-
38 numbered year or a one-year term of office if the election is held in
39 an even-numbered year, and shall hold office until a successor is

1 elected and qualified and assumes office in accordance with RCW
2 29.04.170.

3 (5) The initial port commissioners shall take office immediately
4 after being elected and qualified, but the length of their terms shall
5 be calculated from the first day in January in the year following their
6 elections.

7 **Sec. 96.** RCW 53.12.115 and 1992 c 146 s 7 are each amended to read
8 as follows:

9 A ballot proposition shall be submitted to the voters of any port
10 district authorizing an increase in the number of port commissioners to
11 five whenever the port commission adopts a resolution proposing the
12 increase in number of port commissioners or a petition ((requesting))
13 proposing such an increase has been submitted to the county auditor of
14 the county in which the port district is located that has been signed
15 by voters of the port district at least equal in number to ten percent
16 of the number of voters in the port district who voted at the last
17 general election. The ballot proposition shall be submitted at the
18 next general or special election occurring sixty or more days after the
19 petition was submitted or resolution was adopted.

20 At the next general or special election following the election in
21 which an increase in the number of port commissioners was authorized,
22 candidates for the two additional port commissioner positions shall be
23 elected as provided in RCW 53.12.130.

24 **Sec. 97.** RCW 53.12.120 and 1992 c 146 s 8 are each amended to read
25 as follows:

26 When the population of a port district that has three commissioners
27 reaches five hundred thousand, in accordance with the latest United
28 States regular or special census or with the official state population
29 estimate, there shall be submitted to the voters of the district, at
30 the next district general election or at a special port election called
31 for that purpose, the proposition of increasing the number of
32 commissioners to five. ~~((At any general election thereafter, the same
33 proposition may be submitted by resolution of the port commissioners,
34 by filing a certified copy of the resolution with the county auditor at
35 least four months prior to the general election. If the proposition is
36 approved by the voters, the commission in that port district shall
37 consist of five commissioners.))~~

1 At the next district general election following the election in
2 which an increase in the number of port commissioners was authorized,
3 candidates for the two additional port commissioner positions shall be
4 elected as provided in RCW 53.12.130.

5 **Sec. 98.** RCW 53.12.130 and 1992 c 146 s 9 are each amended to read
6 as follows:

7 Two additional port commissioners shall be elected at the next
8 district general election following the election at which voters
9 authorized the increase in port commissioners to five members. ((The
10 two additional positions shall be numbered positions four and five.))

11 The port commissioners shall divide the port district into five
12 commissioner districts prior to the first day of June in the year in
13 which the two additional commissioners shall be elected. The new
14 commissioner districts shall be numbered one through five and the three
15 incumbent commissioners shall represent commissioner districts one
16 through three. If, as a result of redrawing the district boundaries
17 two or three of the incumbent commissioners reside in one of the new
18 commissioner districts, the commissioners who reside in the same
19 commissioner district shall determine by lot which of the first three
20 numbered commissioner districts they shall represent for the remainder
21 of their respective terms. A primary shall be held to nominate
22 candidates from districts four and five where necessary and
23 commissioners shall be elected from commissioner districts four and
24 five at the general election. The persons ((receiving the highest
25 number of votes for each position shall be elected to that position
26 and)) elected as commissioners from commissioner districts four and
27 five shall take office immediately after qualification as defined under
28 RCW 29.01.135.

29 In a port district where commissioners are elected to four-year
30 terms of office, the additional commissioner thus elected receiving the
31 highest number of votes shall be elected to a four-year term of office
32 and the other additional commissioner thus elected shall be elected to
33 a term of office of two years, if the election ((were)) is held in an
34 odd-numbered year, or the additional commissioner thus elected
35 receiving the highest number of votes shall be elected to a term of
36 office of three years and the other shall be elected to a term of
37 office of one year, if the election ((were)) is held in an even-
38 numbered year. In a port district where the commissioners are elected

1 to six-year terms of office, the additional commissioner thus elected
2 receiving the highest number of votes shall be elected to a six-year
3 term of office and the other additional commissioner shall be elected
4 to a four-year term of office, if the election is held in an odd-
5 numbered year, or the additional commissioner receiving the highest
6 number of votes shall be elected to a term of office of five-years and
7 the other shall be elected to a three-year term of office, if the
8 election is held in an even-numbered year. The length of terms of
9 office shall be computed from the first day of January in the year
10 following this election.

11 ~~((A successor to a commissioner holding position four or five whose
12 term is about to expire, shall be elected at the general election next
13 preceding such expiration, for a))~~ Successor commissioners from
14 districts four and five shall be elected to terms of either six or four
15 years, depending on the length of terms of office to which
16 commissioners of that port district are elected. ~~((Positions four and
17 five shall not be associated with a commissioner district and the
18 elections to both nominate candidates for those positions and elect
19 commissioners for these positions shall be held on a port district wide
20 basis.))~~

21 **Sec. 99.** RCW 53.12.175 and 1992 c 146 s 3 are each amended to read
22 as follows:

23 A ballot proposition to reduce the terms of office of port
24 commissioners from six years to four years shall be submitted to the
25 voters of any port district that otherwise would have commissioners
26 with six-year terms of office upon either resolution of the port
27 commissioners or petition of voters of the port district proposing the
28 reduction in terms of office, which petition has been signed by voters
29 of the port district equal in number to at least ten percent of the
30 number of voters in the port district voting at the last ~~((district))~~
31 general election. The petition shall be submitted to the county
32 auditor. If the petition was signed by sufficient valid signatures,
33 the ballot proposition shall be submitted at the next ~~((district))~~
34 general or special election that occurs sixty or more days after the
35 adoption of the resolution or submission of the petition.

36 If the ballot proposition reducing the terms of office of port
37 commissioners is approved by a simple majority vote of the voters
38 voting on the proposition, the commissioner or commissioners who are

1 elected at that election shall be elected to four-year terms of office.
2 The terms of office of the other commissioners shall not be reduced,
3 but each successor shall be elected to a four-year term of office.

4 **Sec. 100.** RCW 53.16.015 and 1992 c 146 s 10 are each amended to
5 read as follows:

6 (~~(In a port district that is not coterminous with a county that has~~
7 ~~three county legislative authority districts and that has port~~
8 ~~commissioner districts,)) The port commission of a port district that
9 uses commissioner districts may redraw the commissioner district
10 boundaries as provided in chapter 29.70 RCW at any time and submit the
11 redrawn boundaries to the county auditor if the port district is not
12 coterminous with a county that has the same number of county
13 legislative authority districts as the port has port commissioners.
14 The new commissioner districts shall be used at the next election at
15 which a port commissioner is regularly elected that occurs at least one
16 hundred eighty days after the redrawn boundaries have been submitted.
17 Each commissioner district shall encompass as nearly as possible (~~(one-~~
18 ~~third of the population of the port district)) the same population.~~~~

19 **Sec. 101.** RCW 9.46.110 and 1991 c 161 s 1 are each amended to read
20 as follows:

21 The legislative authority of any county, city-county, city, or
22 town, by local law and ordinance, and in accordance with the provisions
23 of this chapter and rules and regulations promulgated hereunder, may
24 provide for the taxing of any gambling activity authorized by this
25 chapter within its jurisdiction, the tax receipts to go to the county,
26 city-county, city, or town so taxing the same: PROVIDED, That any such
27 tax imposed by a county alone shall not apply to any gambling activity
28 within a city or town located therein but the tax rate established by
29 a county, if any, shall constitute the tax rate throughout the
30 unincorporated areas of such county: PROVIDED FURTHER, That (1) punch
31 boards and pull-tabs, chances on which shall only be sold to adults,
32 which shall have a fifty cent limit on a single chance thereon, shall
33 be taxed on a basis which shall reflect only the gross receipts from
34 such punch boards and pull-tabs; and (2) no punch board or pull-tab may
35 award as a prize upon a winning number or symbol being drawn the
36 opportunity of taking a chance upon any other punch board or pull-tab;
37 and (3) all prizes for punch boards and pull-tabs must be on display

1 within the immediate area of the premises wherein any such punch board
2 or pull-tab is located and upon a winning number or symbol being drawn,
3 such prize must be immediately removed therefrom, or such omission
4 shall be deemed a fraud for the purposes of this chapter; and (4) when
5 any person shall win over twenty dollars in money or merchandise from
6 any punch board or pull-tab, every licensee hereunder shall keep a
7 public record thereof for at least ninety days thereafter containing
8 such information as the commission shall deem necessary: AND PROVIDED
9 FURTHER, That taxation of bingo and raffles shall never be in an amount
10 greater than ten percent of the gross revenue received therefrom less
11 the amount paid for or as prizes. Taxation of amusement games shall
12 only be in an amount sufficient to pay the actual costs of enforcement
13 of the provisions of this chapter by the county, city or town law
14 enforcement agency and in no event shall such taxation exceed two
15 percent of the gross revenue therefrom less the amount paid for as
16 prizes: PROVIDED FURTHER, That no tax shall be imposed under the
17 authority of this chapter on bingo or amusement games when such
18 activities or any combination thereof are conducted by any bona fide
19 charitable or nonprofit organization as defined in this chapter, which
20 organization has no paid operating or management personnel and has
21 gross income from bingo or amusement games, or a combination thereof,
22 not exceeding five thousand dollars per year, less the amount paid for
23 as prizes. No tax shall be imposed on the first ten thousand dollars
24 of net proceeds from raffles conducted by any bona fide charitable or
25 nonprofit organization as defined in this chapter. Taxation of punch
26 boards and pull-tabs shall not exceed five percent of gross receipts,
27 nor shall taxation of social card games exceed twenty percent of the
28 gross revenue from such games.

29 Taxes imposed under this chapter become a lien upon personal and
30 real property in the same manner as provided for under RCW 84.60.010.

31 **Sec. 102.** RCW 28A.315.440 and 1975 1st ex.s. c 275 s 99 are each
32 amended to read as follows:

33 Upon receipt of the aforesaid certificate, it shall be the duty of
34 the board of county commissioners of each county to levy on all taxable
35 property of that part of the joint school district which lies within
36 the county a tax sufficient to raise the amount necessary to meet the
37 county's proportionate share of the estimated expenditures of the joint
38 district, as shown by the certificate of the educational service

1 district superintendent of the district to which the joint school
2 district belongs. Such taxes shall be levied and collected in the same
3 manner as other taxes are levied and collected, and the proceeds
4 thereof shall be forwarded (~~(quarterly)~~) monthly by the treasurer of
5 each county, other than the county to which the joint district belongs,
6 to the treasurer of the county to which such district belongs and shall
7 be placed to the credit of said district. The treasurer of the county
8 to which a joint school district belongs is hereby declared to be the
9 treasurer of such district.

10 **Sec. 103.** RCW 35.49.130 and 1965 c 7 s 35.49.130 are each amended
11 to read as follows:

12 (~~(In county foreclosures for delinquency in the payment of general
13 taxes, the county treasurer shall mail a copy of the published summons
14 to the treasurer of every city and town within which any property
15 involved in the foreclosure proceeding is situated. The copy of the
16 summons shall be mailed within fifteen days after the first publication
17 thereof, but the county treasurer's failure to do so shall not affect
18 the jurisdiction of the court nor the priority of the tax sought to be
19 foreclosed.))~~)

20 If any property situated in a city or town is offered for sale for
21 general taxes by the county treasurer, the city or town shall have
22 power to protect the lien or liens of any local improvement assessments
23 outstanding against the whole or portion of such property by purchase
24 thereof or otherwise.

25 **Sec. 104.** RCW 36.21.011 and 1973 1st ex.s. c 11 s 1 are each
26 amended to read as follows:

27 Any assessor who deems it necessary to enable him or her to
28 complete the listing and the valuation of the property of his or her
29 county within the time prescribed by law, (1) may appoint one or more
30 well qualified persons to act as (~~(his)~~) assistants or deputies who
31 shall not engage in the private practice of appraising within the
32 county (~~(in which he is)~~) where employed without the written permission
33 of the county assessor filed with the county auditor; and each such
34 assistant or deputy so appointed shall, under the direction of the
35 assessor, after taking the required oath, perform all the duties
36 enjoined upon, vested in or imposed upon assessors, and (2) may

1 contract with any persons, firms or corporations, who are expert
2 appraisers, to assist in the valuation of property.

3 To assist each assessor in obtaining adequate and well qualified
4 assistants or deputies, the state department of personnel, after
5 consultation with the Washington state association of county assessors,
6 the Washington state association of counties, and the department of
7 revenue, shall establish by July 1, 1967, and shall thereafter
8 maintain, a classification and salary plan for those employees of an
9 assessor who act as appraisers. The plan shall recommend the salary
10 range and employment qualifications for each position encompassed by
11 it, and shall, to the fullest extent practicable, conform to the
12 classification plan, salary schedules and employment qualifications for
13 state employees performing similar appraisal functions.

14 ((If)) An assessor who intends to put such plan into effect ((in
15 his county, he)) shall inform the department of revenue and the ((board
16 of)) county ((commissioners)) legislative authority of this intent in
17 writing. The department of revenue and the ((board)) authority may
18 thereupon each designate a representative, and such representative or
19 representatives as may be designated by the department of revenue or
20 the ((board)) legislative authority, or both, shall form with the
21 assessor a committee. The committee so formed may, by unanimous vote
22 only, determine the required number of certified appraiser positions
23 and their salaries necessary to enable the county assessor to carry out
24 the requirements relating to revaluation of property in chapter 84.41
25 RCW. The determination of the committee shall be certified to the
26 ((board of)) county ((commissioners)) legislative authority. The
27 committee provided for herein may be formed only once in a period of
28 four calendar years.

29 After such determination, the assessor may provide, in each of
30 ((his)) the four next succeeding annual budget estimates, for as many
31 positions as are established in such determination. Each ((board of))
32 county ((commissioners)) legislative authority to which such a budget
33 estimate is submitted shall allow sufficient funds for such positions.
34 An employee may be appointed to a position covered by the plan only if
35 the employee meets the employment qualifications established by the
36 plan.

37 **Sec. 105.** RCW 46.44.175 and 1985 c 22 s 2 are each amended to read
38 as follows:

1 Failure of any person or agent acting for a person who causes to be
2 moved or moves a mobile home as defined in RCW 46.04.302 upon public
3 highways of this state and failure to comply with any of the provisions
4 of RCW 46.44.170 and 46.44.173 is a traffic infraction for which a
5 penalty of not less than one hundred dollars or more than five hundred
6 dollars shall be assessed. In addition to the above penalty, the
7 department of transportation or local authority may withhold issuance
8 of a special permit or suspend a continuous special permit as provided
9 by RCW 46.44.090 and 46.44.093 for a period of not less than thirty
10 days.

11 Any person who shall alter, re-use, transfer, or forge the decal
12 required by RCW 46.44.170, or who shall display a decal knowing it to
13 have been forged, re-used, transferred, or altered, shall be guilty of
14 a gross misdemeanor.

15 Any person or agent who is denied a special permit or whose special
16 permit is suspended may upon request receive a hearing before the
17 department of transportation or the local authority having
18 jurisdiction. The department or the local authority after such hearing
19 may revise its previous action.

20 NEW SECTION. **Sec. 106.** A new section is added to chapter 82.03
21 RCW to read as follows:

22 In all appeals taken pursuant to RCW 84.08.130 the assessor or
23 taxpayer shall submit evidence of comparable sales to be used in a
24 hearing to the board and to all parties at least ten business days in
25 advance of such hearing. Failure to comply with the requirements set
26 forth in this section shall be grounds for the board, upon objection,
27 to continue the hearing or refuse to consider evidence not timely
28 submitted.

29 **Sec. 107.** RCW 84.08.130 and 1992 c 206 s 10 are each amended to
30 read as follows:

31 (1) Any taxpayer or taxing unit feeling aggrieved by the action of
32 any county board of equalization may appeal to the board of tax appeals
33 by filing with the ~~((county auditor))~~ board of tax appeals a notice of
34 appeal ~~((in duplicate))~~ within thirty days after the mailing of the
35 decision of such board of equalization, which notice shall specify the
36 actions complained of ~~((, and said auditor shall forthwith transmit one
37 of said notices to the board of tax appeals))~~; and in like manner any

1 county assessor may appeal to the board of tax appeals from any action
2 of any county board of equalization. There shall be no fee charged for
3 the filing of an appeal. The petitioner shall (~~provide~~) serve a copy
4 of the notice of appeal (~~to~~) on all named parties within the same
5 thirty-day time period (~~provided in the rules of practice and~~
6 ~~procedure of the board of tax appeals~~). Appeals which are not filed
7 and served as provided in this section shall be (~~continued or~~)
8 dismissed. The board of tax appeals shall require the board appealed
9 from to file a true and correct copy of its decision in such action and
10 all evidence taken in connection therewith, and may receive further
11 evidence, and shall make such order as in its judgment is just and
12 proper. An appeal of an action by a county board of equalization shall
13 be deemed to have been filed and served within the thirty-day period if
14 it is postmarked on or before the thirtieth day after the mailing of
15 the decision of the board of equalization.

16 (2) The board of tax appeals may enter an order, pursuant to
17 subsection (1) of this section, that has effect up to the end of the
18 assessment cycle used by the assessor, if there has been no intervening
19 change in the assessed value during that time.

20 **Sec. 108.** RCW 84.08.140 and 1975 1st ex.s. c 278 s 157 are each
21 amended to read as follows:

22 Any taxpayer feeling aggrieved by the levy or levies of any taxing
23 district except levies authorized by a vote of the people of the
24 district may appeal therefrom to the department of revenue as
25 hereinafter provided. Such taxpayer, upon the execution of a bond,
26 with two or more sufficient sureties to be approved by the county
27 auditor, payable to the state of Washington, in the penal sum of two
28 hundred dollars and conditioned that if the petitioner shall fail in
29 his or her appeal for a reduction of said levy or levies (~~he~~) the
30 taxpayer will pay the taxable costs of the hearings hereinafter
31 provided, not exceeding the amount of such bond, may file a written
32 complaint with the county auditor wherein such taxing district is
33 located not later than ten days after the making and entering of such
34 levy or levies, setting forth in such form and detail as the department
35 of revenue shall by general rule prescribe, (~~his~~) the taxpayer's
36 objections to such levy or levies. Upon the filing of such complaint,
37 the county auditor shall immediately transmit a certified copy thereof,
38 together with a copy of the budget or estimates of such taxing district

1 as finally adopted, including estimated revenues and such other
2 information as the department of revenue shall by rule require, to the
3 department of revenue. The department of revenue shall fix a date for
4 a hearing on said complaint at the earliest convenient time after
5 receipt of said record, which hearing shall be held in the county in
6 which said taxing district is located, and notice of such hearing shall
7 be given to the officials of such taxing district, charged with
8 determining the amount of its levies, and to the taxpayer on said
9 complaint by registered mail at least five days prior to the date of
10 said hearing. At such hearings all interested parties may be heard and
11 the department of revenue shall receive all competent evidence. After
12 such hearing, the department of revenue shall either affirm or decrease
13 the levy or levies complained of, in accordance with the evidence, and
14 shall thereupon certify its action with respect thereto to the county
15 auditor, who, in turn, shall certify it to the taxing district or
16 districts affected, and the action of the department of revenue with
17 respect to such levy or levies shall be final and conclusive.

18 **Sec. 109.** RCW 84.12.360 and 1987 c 153 s 3 are each amended to
19 read as follows:

20 The actual cash value of the operating property assessed to a
21 company, as fixed and determined by the (~~state board~~) department of
22 (~~equalization~~) revenue, shall be apportioned by the department of
23 revenue to the respective counties and to the taxing districts thereof
24 wherein such property is located in the following manner:

25 (1) Property of steam, suburban, and interurban railroad companies,
26 telegraph companies and pipe line companies--upon the basis of that
27 proportion of the value of the total operating property within the
28 state which the mileage of track, as classified by the department of
29 revenue (in case of railroads), mileage of wire (in the case of
30 telegraph companies), and mileage of pipe line (in the case of pipe
31 line companies) within each county or taxing district bears to the
32 total mileage thereof within the state, at the end of the calendar year
33 last past. For the purpose of such apportionment the department may
34 classify railroad track.

35 (2) Property of street railroad companies, telephone companies,
36 electric light and power companies, gas companies, water companies,
37 heating companies and toll bridge companies--upon the basis of relative
38 value of the operating property within each county and taxing district

1 to the value of the total operating property within the state to be
2 determined by such factors as the department of revenue shall deem
3 proper.

4 (3) Planes or other aircraft of airplane companies and watercraft
5 of steamboat companies--upon the basis of such factor or factors of
6 allocation, to be determined by the department of revenue, as will
7 secure a substantially fair and equitable division between counties and
8 other taxing districts.

9 All other property of airplane companies and steamboat
10 companies--upon the basis set forth in (~~subdivision~~) subsection (2)
11 (~~hereof~~) of this section.

12 The basis of apportionment with reference to all public utility
13 companies above prescribed shall not be deemed exclusive and the
14 department of revenue in apportioning values of such companies may also
15 take into consideration such other information, facts, circumstances,
16 or allocation factors as will enable it to make a substantially just
17 and correct valuation of the operating property of such companies
18 within the state and within each county thereof.

19 **Sec. 110.** RCW 84.12.370 and 1975 1st ex.s. c 278 s 171 are each
20 amended to read as follows:

21 When the (~~state board~~) department of (~~equalization~~) revenue
22 shall have determined the equalized assessed value of the operating
23 property of each company in each of the respective counties and in the
24 taxing districts thereof, as hereinabove provided, the department of
25 revenue shall certify such equalized assessed value to the county
26 assessor of the proper county. The county assessor shall enter the
27 company's real operating property upon the real property tax rolls and
28 the company's personal operating property upon the personal property
29 tax rolls of (~~his~~) the county assessor's county, together with the
30 values so apportioned, and the same shall be and constitute the
31 assessed valuation of the operating property of the company in such
32 county and the taxing districts therein for that year, upon which taxes
33 shall be levied and collected in the same manner as on the general
34 property of such county.

35 **Sec. 111.** RCW 84.16.090 and 1975 1st ex.s. c 278 s 181 are each
36 amended to read as follows:

1 Upon the assessment roll shall be placed after the name of each
2 company a general description of the operating property of the company,
3 which shall be considered sufficient if described in the language of
4 subdivision (3) of RCW 84.16.010 or otherwise, following which shall be
5 entered the actual cash value of the operating property as determined
6 by the department of revenue. No assessment shall be invalid by a
7 mistake in the name of the company assessed, by omission of the name of
8 the owner or by the entry of a name other than that of the true owner.
9 When the department of revenue shall have prepared the assessment roll
10 and entered thereon the actual cash value of the operating property of
11 the company, as herein required, it shall notify the company by mail of
12 the valuation determined by it and entered upon said roll; and
13 thereupon such valuation shall become the actual cash value of the
14 operating property of the company, subject to revision or correction by
15 the ~~((state board))~~ department of ~~((equalization))~~ revenue as
16 hereinafter provided; and shall be the valuation upon which, after
17 equalization by the ~~((state board))~~ department of ~~((equalization))~~
18 revenue as hereinafter provided, the taxes of such company shall be
19 based and computed.

20 **Sec. 112.** RCW 84.16.120 and 1961 c 15 s 84.16.120 are each amended
21 to read as follows:

22 The actual cash value of the property of each company as fixed and
23 determined by the ~~((state board))~~ department of ~~((equalization))~~
24 revenue as herein provided shall be apportioned to the respective
25 counties in the following manner:

26 (1) If all the operating property of the company is situated
27 entirely within a county and none of such property is located within,
28 extends into, or through or is operated into or through any other
29 county, the entire value thereof shall be apportioned to the county
30 within which such property is situate, located and operated.

31 (2) If the operating property of any company is situated or located
32 within, extends into or is operated into or through more than one
33 county, the value thereof shall be apportioned to the respective
34 counties into or through which its cars are operated in the proportion
35 that the length of main line track of the respective railroads moving
36 such cars in such counties bears to the total length of main line track
37 of such respective railroads in this state.

1 (3) If the property of any company is of such character that it
2 will not be reasonable, feasible or fair to apportion the value as
3 hereinabove provided, the value thereof shall be apportioned between
4 the respective counties into or through which such property extends or
5 is operated or in which the same is located in such manner as may be
6 reasonable, feasible and fair.

7 **Sec. 113.** RCW 84.16.130 and 1975 1st ex.s. c 278 s 183 are each
8 amended to read as follows:

9 When the (~~state board~~) department of (~~equalization~~) revenue
10 shall have determined the equalized or assessed value of the operating
11 property of each company in the respective counties as hereinabove
12 provided, the department of revenue shall certify such equalized or
13 assessed value to the county assessor of the proper county; and the
14 county assessor shall apportion and distribute such assessed or
15 equalized valuation to and between the several taxing districts of
16 (~~his~~) the county assessor's county entitled to a proportionate value
17 thereof in the manner prescribed in RCW 84.16.120 for apportionment of
18 values between counties. The county assessor shall enter such
19 assessment upon the personal property tax rolls of (~~his~~) the county
20 assessor's county, together with the values so apportioned, and the
21 same shall be and constitute the assessed valuation of the operating
22 company in such county for that year, upon which taxes shall be levied
23 and collected the same as on general property of the county.

24 **Sec. 114.** RCW 84.33.130 and 1986 c 100 s 57 are each amended to
25 read as follows:

26 (1) An owner of land desiring that it be designated as forest land
27 and valued pursuant to RCW 84.33.120 as of January 1 of any year
28 commencing with 1972 shall make application to the county assessor
29 before such January 1.

30 (2) The application shall be made upon forms prepared by the
31 department of revenue and supplied by the county assessor, and shall
32 include the following:

33 (a) A legal description of or assessor's tax lot numbers for all
34 land the applicant desires to be designated as forest land;

35 (b) The date or dates of acquisition of such land;

36 (c) A brief description of the timber on such land, or if the
37 timber has been harvested, the owner's plan for restocking;

1 (d) Whether there is a forest management plan for such land;
2 (e) If so, the nature and extent of implementation of such plan;
3 (f) Whether such land is used for grazing;
4 (g) Whether such land has been subdivided or a plat filed with
5 respect thereto;
6 (h) Whether such land and the applicant are in compliance with the
7 restocking, forest management, fire protection, insect and disease
8 control and forest debris provisions of Title 76 RCW or any applicable
9 regulations thereunder;
10 (i) Whether such land is subject to forest fire protection
11 assessments pursuant to RCW 76.04.610;
12 (j) Whether such land is subject to a lease, option or other right
13 which permits it to be used for any purpose other than growing and
14 harvesting timber;
15 (k) A summary of the past experience and activity of the applicant
16 in growing and harvesting timber;
17 (l) A summary of current and continuing activity of the applicant
18 in growing and harvesting timber;
19 (m) A statement that the applicant is aware of the potential tax
20 liability involved when such land ceases to be designated as forest
21 land;
22 (n) An affirmation that the statements contained in the application
23 are true and that the land described in the application is, by itself
24 or with other forest land not included in the application, in
25 contiguous ownership of twenty or more acres which is primarily devoted
26 to and used for growing and harvesting timber.
27 The assessor shall afford the applicant an opportunity to be heard if
28 the application so requests.
29 (3) The assessor shall act upon the application with due regard to
30 all relevant evidence and without any one or more items of evidence
31 necessarily being determinative, except that the application may be
32 denied for one of the following reasons, without regard to other items:
33 (a) The land does not contain either a "merchantable stand of
34 timber" or an "adequate stocking" as defined (~~in RCW 76.08.010, or any~~
35 ~~laws or regulations adopted to replace such minimum standards~~) by rule
36 adopted by the forest practices board, except this reason (a) shall not
37 alone be sufficient for denial of the application (i) if such land has
38 been recently harvested or supports a growth of brush or noncommercial
39 type timber, and the application includes a plan for restocking within

1 three years or such longer period necessitated by unavailability of
2 seed or seedlings, or (ii) if only isolated areas within such land do
3 not meet such minimum standards due to rock outcroppings, swamps,
4 unproductive soil or other natural conditions;

5 (b) The applicant, with respect to such land, has failed to comply
6 with a final administrative or judicial order with respect to a
7 violation of the restocking, forest management, fire protection, insect
8 and disease control and forest debris provisions of Title 76 RCW or any
9 applicable regulations thereunder;

10 (c) The land abuts a body of salt water and lies between the line
11 of ordinary high tide and a line paralleling such ordinary high tide
12 line and two hundred feet horizontally landward therefrom, except that
13 if the higher and better use determined by the assessor to exist for
14 such land would not be permitted or economically feasible by virtue of
15 any federal, state or local law or regulation such land shall be
16 assessed and valued pursuant to the procedures set forth in RCW
17 84.33.110 and 84.33.120 without being designated. The application
18 shall be deemed to have been approved unless, prior to May 1, of the
19 year after such application was mailed or delivered to the assessor, he
20 or she shall notify the applicant in writing of the extent to which the
21 application is denied.

22 (4) An owner who receives notice pursuant to subsection (3) of this
23 section that his or her application has been denied may appeal such
24 denial to the county board of equalization.

25 **Sec. 115.** RCW 84.34.230 and 1973 1st ex.s. c 195 s 94 are each
26 amended to read as follows:

27 For the purpose of acquiring conservation futures as well as other
28 rights and interests in real property pursuant to RCW 84.34.210 and
29 84.34.220, a county may levy an amount not to exceed six and one-
30 quarter cents per thousand dollars of assessed valuation against the
31 assessed valuation of all taxable property within the county, which
32 levy shall be in addition to that authorized by RCW (~~(84.52.050 and)~~)
33 84.52.043.

34 **Sec. 116.** RCW 84.36.381 and 1992 c 187 s 1 are each amended to
35 read as follows:

36 A person shall be exempt from any legal obligation to pay all or a
37 portion of the amount of excess and regular real property taxes due and

1 payable in the year following the year in which a claim is filed, and
2 thereafter, in accordance with the following:

3 (1) The property taxes must have been imposed upon a residence
4 which was occupied by the person claiming the exemption as a principal
5 place of residence as of January 1st of the year for which the
6 exemption is claimed: PROVIDED, That any person who sells, transfers,
7 or is displaced from his or her residence may transfer his or her
8 exemption status to a replacement residence, but no claimant shall
9 receive an exemption on more than one residence in any year: PROVIDED
10 FURTHER, That confinement of the person to a hospital or nursing home
11 shall not disqualify the claim of exemption if:

12 (a) The residence is temporarily unoccupied ((or if));

13 (b) The residence is occupied by a spouse and/or a person
14 financially dependent on the claimant for support; or

15 (c) The residence is rented for the purpose of paying nursing home
16 or hospital costs;

17 (2) The person claiming the exemption must have owned, at the time
18 of filing, in fee, as a life estate, or by contract purchase, the
19 residence on which the property taxes have been imposed or if the
20 person claiming the exemption lives in a cooperative housing
21 association, corporation, or partnership, such person must own a share
22 therein representing the unit or portion of the structure in which he
23 or she resides. For purposes of this subsection, a residence owned by
24 a marital community or owned by cotenants shall be deemed to be owned
25 by each spouse or cotenant, and any lease for life shall be deemed a
26 life estate;

27 (3) The person claiming the exemption must be sixty-one years of
28 age or older on December 31st of the year in which the exemption claim
29 is filed, or must have been, at the time of filing, retired from
30 regular gainful employment by reason of physical disability: PROVIDED,
31 That any surviving spouse of a person who was receiving an exemption at
32 the time of the person's death shall qualify if the surviving spouse is
33 fifty-seven years of age or older and otherwise meets the requirements
34 of this section;

35 (4) The amount that the person shall be exempt from an obligation
36 to pay shall be calculated on the basis of combined disposable income,
37 as defined in RCW 84.36.383. If the person claiming the exemption was
38 retired for two months or more of the preceding year, the combined
39 disposable income of such person shall be calculated by multiplying the

1 average monthly combined disposable income of such person during the
2 months such person was retired by twelve. If the income of the person
3 claiming exemption is reduced for two or more months of the preceding
4 year by reason of the death of the person's spouse, the combined
5 disposable income of such person shall be calculated by multiplying the
6 average monthly combined disposable income of such person after the
7 death of the spouse by twelve.

8 (5)(a) A person who otherwise qualifies under this section and has
9 a combined disposable income of twenty-six thousand dollars or less
10 shall be exempt from all excess property taxes; and

11 (b)(i) A person who otherwise qualifies under this section and has
12 a combined disposable income of eighteen thousand dollars or less but
13 greater than fifteen thousand dollars shall be exempt from all regular
14 property taxes on the greater of thirty thousand dollars or thirty
15 percent of the valuation of his or her residence, but not to exceed
16 fifty thousand dollars of the valuation of his or her residence; or

17 (ii) A person who otherwise qualifies under this section and has a
18 combined disposable income of fifteen thousand dollars or less shall be
19 exempt from all regular property taxes on the greater of thirty-four
20 thousand dollars or fifty percent of the valuation of his or her
21 residence.

22 NEW SECTION. **Sec. 117.** Section 116 of this act is effective for
23 taxes levied for collection in 1993 and thereafter.

24 **Sec. 118.** RCW 84.38.040 and 1984 c 220 s 22 are each amended to
25 read as follows:

26 (1) Each claimant electing to defer payment of special assessments
27 and/or real property tax obligations under this chapter shall file with
28 the county assessor, on forms prescribed by the department and supplied
29 by the assessor, a written declaration thereof. The declaration to
30 defer special assessments and/or real property taxes for any year shall
31 be filed no later than thirty days before the tax or assessment is due
32 or thirty days after receiving notice under RCW ((84.64.030—~~or~~))
33 84.64.050, whichever is later: PROVIDED, That for good cause shown,
34 the department may waive this requirement.

35 (2) The declaration shall designate the property to which the
36 deferral applies, and shall include a statement setting forth (a) a
37 list of all members of the claimant's household, (b) the claimant's

1 equity value in his or her residence, (c) facts establishing the
2 eligibility for the deferral under the provisions of this chapter, and
3 (d) any other relevant information required by the rules of the
4 department. Each copy shall be signed by the claimant subject to the
5 penalties as provided in chapter ~~((9.72))~~ 9A.72 RCW for ~~((the))~~ false
6 swearing. The first declaration to defer filed in a county shall
7 include proof of the claimant's age acceptable to the assessor.

8 (3) The county assessor shall determine if each claimant shall be
9 granted a deferral for each year but the claimant shall have the right
10 to appeal this determination to the county board of equalization whose
11 decision shall be final as to the deferral of that year.

12 **Sec. 119.** RCW 84.40.0301 and 1971 ex.s. c 288 s 2 are each amended
13 to read as follows:

14 ~~((1))~~ Upon review by any court, or appellate body, of a
15 determination of the valuation of property for purposes of taxation, it
16 shall be presumed that the determination of the public official charged
17 with the duty of establishing such value is correct but this
18 presumption shall not be a defense against any correction indicated by
19 clear, cogent and convincing evidence.

20 ~~((2) In any administrative or judicial proceeding pending upon May
21 21, 1971 or arising from the property revaluation under the provisions
22 of section 4, chapter 282, Laws of 1969 ex. sess., and section 1,
23 chapter 95, Laws of 1970 ex. sess., the provisions of this section will
24 apply. This paragraph shall not be construed so as to limit in any way
25 the provisions of subsection (1) of this section.))~~

26 **Sec. 120.** RCW 84.40.045 and 1977 ex.s. c 181 s 1 are each amended
27 to read as follows:

28 The assessor shall give notice of any change in the true and fair
29 value of real property for the tract or lot of land and any
30 improvements thereon no later than thirty days after appraisal:
31 PROVIDED, That no such notice shall be mailed during the period from
32 January 15 to February 15 of each year: PROVIDED FURTHER, That no
33 notice need be sent with respect to changes in valuation of forest land
34 made pursuant to chapter 84.33 RCW.

35 The notice shall contain a statement of both the prior and the new
36 true and fair value and the ratio of the assessed value to the true and
37 fair value on which the assessment of the property is based, stating

1 separately land and improvement values, and a brief statement of the
2 procedure for appeal to the board of equalization and the time, date,
3 and place of the meetings of the board.

4 The notice shall be mailed by the assessor to the taxpayer.

5 If any taxpayer, as shown by the tax rolls, holds solely a security
6 interest in the real property which is the subject of the notice,
7 pursuant to a mortgage, contract of sale, or deed of trust, such
8 taxpayer shall, upon written request of the assessor, supply, within
9 thirty days of receipt of such request, to the assessor the name and
10 address of the person making payments pursuant to the mortgage,
11 contract of sale, or deed of trust, and thereafter such person shall
12 also receive a copy of the notice provided for in this section.
13 ~~Willful failure to comply with such request within the time limitation~~
14 ~~provided for herein shall make such taxpayer subject to a maximum civil~~
15 ~~penalty of five ((dollars for each parcel of real property within the~~
16 ~~scope of the request in which it holds the security interest, the~~
17 ~~aggregate of such penalties in any one year not to exceed five))~~
18 thousand dollars. The penalties provided for herein shall be
19 recoverable in an action by the county prosecutor, and when recovered
20 shall be deposited in the county current expense fund. The assessor
21 shall make the request provided for by this section during the month of
22 January.

23 **Sec. 121.** RCW 84.40.080 and 1973 2nd ex.s. c 8 s 1 are each
24 amended to read as follows:

25 ((The)) An assessor((, upon his own motion, or upon the application
26 of any taxpayer,)) shall enter ((in the detail and assessment list of
27 the current)) on the assessment roll in any year any property shown to
28 have been omitted from the assessment ((list)) roll of any preceding
29 year, at the ((valuation of that)) value for the preceding year, or if
30 not then valued, at such ((valuation)) value as the assessor shall
31 determine ((from)) for the preceding year, and such ((valuation)) value
32 shall be stated ((in a separate line)) separately from the
33 ((valuation)) value of ((the current)) any other year. ((Where
34 improvements have not been valued and assessed as a part of the real
35 estate upon which the same may be located, as evidenced by the
36 assessment rolls, they may be separately valued and assessed as omitted
37 property under this section)) When any improvement has not been placed
38 on an assessment roll as a part of the real estate upon which it is

1 located, the improvement may, subject to RCW 84.40.085, be subsequently
2 placed upon the assessment roll regardless of whether any other
3 improvement on the real estate is listed on the assessment roll. For
4 purposes of this section it is immaterial whether an assessment roll
5 lists each improvement separately: PROVIDED, That no such assessment
6 shall be made in any case where a bona fide purchaser(~~(~~
7 ~~encumbrancer~~~~),~~) or contract buyer has acquired any interest in said
8 property prior to the time such improvements are assessed. When such
9 an omitted assessment is made, the taxes levied thereon may be paid
10 within one year of the due date of the taxes for the year in which the
11 assessment is made without penalty or interest: AND PROVIDED FURTHER,
12 That in the assessment of personal property, the assessor shall assess
13 the omitted value not reported by the taxpayer as evidenced by an
14 inspection of either the property or the books and records of said
15 taxpayer by the assessor.

16 **Sec. 122.** RCW 84.40.090 and 1961 c 15 s 84.40.090 are each amended
17 to read as follows:

18 It shall be the duty of assessors, when assessing real or personal
19 property, to designate the name or number of each taxing and road
20 district in which each person and each description of property assessed
21 is liable for taxes(~~(, which designation shall be made by writing the~~
22 ~~name or number of the districts opposite each assessment in the column~~
23 ~~provided for that purpose in the detail and assessment list)~~). When
24 the real and personal property of any person is assessable in several
25 taxing districts and/or road districts, the amount in each shall be
26 assessed (~~(on separate detail and assessment lists, and all property~~
27 ~~assessable in incorporated cities or towns shall be assessed in~~
28 ~~consecutive books, where more than one book is necessary, separate from~~
29 ~~outside property and separately, and the name of the owner, if known,~~
30 ~~together with his post office address, placed opposite each amount)~~)
31 separately.

32 **Sec. 123.** RCW 84.40.170 and 1961 c 15 s 84.40.170 are each amended
33 to read as follows:

34 (1) In all cases of irregular subdivided tracts or lots of land
35 other than any regular government subdivision the county assessor shall
36 outline a plat of such tracts or lots and notify the owner or owners
37 thereof with a request to have the same surveyed by the county

1 engineer, and cause the same to be platted into numbered (or lettered)
2 lots or tracts: PROVIDED, HOWEVER, That where any county has in its
3 possession the correct field notes of any such tract or lot of land a
4 new survey shall not be necessary, but such tracts may be mapped from
5 such field notes. In case the owner of such tracts or lots neglects or
6 refuses to have the same surveyed or platted, the county assessor shall
7 notify the (~~board of~~) county (~~commissioners~~) legislative authority
8 in and for the county, who may order and direct the county engineer to
9 make the proper survey and plat of the tracts and lots. A plat shall
10 be made on which said tracts or lots of land shall be accurately
11 described by lines, and numbered (or lettered), which numbers (or
12 letters) together with number of the section, township and range shall
13 be distinctly marked on such plat, and the field notes of all such
14 tracts or lots of land shall describe each tract or lot according to
15 the survey, and such tract or lot shall be numbered (or lettered) to
16 correspond with its number (or letter) on the map. The plat shall be
17 given a designated name by the surveyor thereof. When the survey,
18 plat, field notes and name of plat, shall have been approved by the
19 (~~board of~~) county (~~commissioners~~) legislative authority, the plat
20 and field notes shall be filed and recorded in the office of the county
21 auditor, and the description of any tract or lot of land described in
22 said plats by number (or letter), section, township and range, shall be
23 a sufficient and legal description for revenue and all other purposes.

24 (2) Upon the request of eighty percent of the owners of the
25 property to be surveyed and the approval of the county legislative
26 authority, the county assessor may charge for actual costs and file a
27 lien against the subject property if the costs are not repaid within
28 ninety days of notice of completion, which may be collected as if such
29 charges had been levied as a property tax.

30 **Sec. 124.** RCW 84.41.070 and 1975 1st ex.s. c 278 s 198 are each
31 amended to read as follows:

32 If the department of revenue finds upon its own investigation, or
33 upon a showing by others, that the revaluation program for any county
34 is not proceeding for any reason as herein directed, (~~or is not~~
35 ~~proceeding for any reason with sufficient rapidity to be completed~~
36 ~~before June 1, 1958,~~) the department of revenue shall advise both the
37 (~~board of~~) county (~~commissioners~~) legislative authority and the
38 county assessor of such finding. Within thirty days after receiving

1 such advice, the (~~board of~~) county (~~commissioners~~) legislative
2 authority, at regular or special session, either (1) shall authorize
3 such expenditures as will enable the assessor to complete the
4 revaluation program as herein directed, or (2) shall direct the
5 assessor to request special assistance from the department of revenue
6 for aid in effectuating the county's revaluation program.

7 **Sec. 125.** RCW 84.44.010 and 1961 c 15 s 84.44.010 are each amended
8 to read as follows:

9 Personal property, except such as is required in this title to be
10 listed and assessed otherwise, shall be listed and assessed in the
11 county where it is situated. (~~The personal property pertaining to the~~
12 ~~business of a merchant or of a manufacturer shall be listed in the town~~
13 ~~or place where his business is carried on.))~~

14 **Sec. 126.** RCW 84.48.050 and 1961 c 15 s 84.48.050 are each amended
15 to read as follows:

16 The county assessor shall, on or before the fifteenth day of
17 January in each year, make out and transmit to the state auditor, in
18 such form as may be prescribed, a complete abstract of the tax rolls of
19 the county, showing the number of acres of land assessed, the value of
20 such land, including the structures thereon; the value of town and city
21 lots, including structures; the total value of all taxable personal
22 property in the county; the aggregate amount of all taxable property in
23 the county; the total amount as equalized and the total amount of taxes
24 levied in the county for state, county, city and other taxing district
25 purposes, for that year. Should the assessor of any county fail to
26 transmit to the (~~state board~~) department of (~~equalization~~) revenue
27 the abstract provided for in RCW 84.48.010 by the (~~time the state~~
28 ~~board of equalization convenes~~) eighteenth of August, and if, by
29 reason of such failure to transmit such abstract, any county shall fail
30 to collect and pay to the state its due proportion of the state tax for
31 any year, the (~~state board~~) department of (~~equalization~~) revenue
32 shall, at its next annual session, ascertain what amount of state tax
33 said county has failed to collect, and certify the same to the state
34 auditor, who shall charge the amount to the proper county and notify
35 the auditor of said county of the amount of said charge; said sum shall
36 be due and payable immediately by warrant in favor of the state on the
37 current expense fund of said county.

1 **Sec. 127.** RCW 84.48.080 and 1990 c 283 s 1 are each amended to
2 read as follows:

3 Annually during the months of September and October, the department
4 of revenue shall examine and compare the returns of the assessment of
5 the property in the several counties of the state, and the assessment
6 of the property of railroad and other companies assessed by the
7 department, and proceed to equalize the same, so that each county in
8 the state shall pay its due and just proportion of the taxes for state
9 purposes for such assessment year, according to the ratio the valuation
10 of the property in each county bears to the total valuation of all
11 property in the state.

12 First. The department shall classify all property, real and
13 personal, and shall raise and lower the valuation of any class of
14 property in any county to a value that shall be equal, so far as
15 possible, to the true and fair value of such class as of January 1st of
16 the current year for the purpose of ascertaining the just amount of tax
17 due from each county for state purposes. In equalizing personal
18 property as of January 1st of the current year, the department shall
19 use the assessment level of the preceding year. Such classification
20 may be on the basis of types of property, geographical areas, or both.
21 For purposes of this section, for each county that has not provided the
22 department with an assessment return by December 1st, the department
23 shall proceed, using facts and information and in a manner it deems
24 appropriate, to estimate the value of each class of property in the
25 county.

26 Second. The department shall keep a full record of its proceedings
27 and the same shall be published annually by the department.

28 The department shall levy the state taxes authorized by law:
29 PROVIDED, That the amount levied in any one year for general state
30 purposes shall not exceed the lawful dollar rate on the dollar of the
31 assessed value of the property of the entire state, which assessed
32 value shall be one hundred percent of the true and fair value of such
33 property in money. The department shall apportion the amount of tax
34 for state purposes levied by the department, among the several
35 counties, in proportion to the valuation of the taxable property of the
36 county for the year as equalized by the department: PROVIDED, That for
37 purposes of this apportionment, the department shall recompute the
38 previous year's levy and the apportionment thereof to correct for
39 changes and errors in taxable values reported to the department after

1 October 1 of the preceding year and shall adjust the apportioned amount
2 of the current year's state levy for each county by the difference
3 between the apportioned amounts established by the original and revised
4 levy computations for the previous year. For purposes of this section,
5 changes in taxable values mean a final adjustment made by a county
6 board of equalization, the state board of tax appeals, or a court of
7 competent jurisdiction and shall include additions of omitted property,
8 other additions or deletions from the assessment or tax rolls, any
9 assessment return provided by a county to the department subsequent to
10 December 1st, or a change in the indicated ratio of a county. Errors
11 in taxable values mean errors corrected by a final reviewing body.

12 The department shall have authority to adopt rules and regulations
13 to enforce obedience to its orders in all matters in relation to the
14 returns of county assessments, the equalization of values, and the
15 apportionment of the state levy by the department.

16 After the completion of the duties hereinabove prescribed, the
17 director of the department shall certify the record of the proceedings
18 of the department under this section, the tax levies made for state
19 purposes and the apportionment thereof among the counties, and the
20 certification shall be available for public inspection.

21 **Sec. 128.** RCW 84.48.110 and 1987 c 168 s 1 are each amended to
22 read as follows:

23 Within three days after the record of the proceedings of the
24 (~~state board~~) department of (~~equalization~~) revenue is certified by
25 the director of the department, the department shall transmit to each
26 county assessor a copy of the record of the proceedings of the
27 (~~board~~) department, specifying the amount to be levied and collected
28 (~~on said assessment books~~) for state purposes for such year, and in
29 addition thereto it shall certify to each county assessor the amount
30 due to each state fund and unpaid from such county for the fifth
31 preceding year, and such delinquent state taxes shall be added to the
32 amount levied for the current year. The department shall close the
33 account of each county for the fifth preceding year and charge the
34 amount of such delinquency to the tax levy of the current year. These
35 delinquent taxes shall not be subject to chapter 84.55 RCW. All taxes
36 collected on and after the first day of July last preceding such
37 certificate, on account of delinquent state taxes for the fifth
38 preceding year shall belong to the county and by the county treasurer

1 be credited to the current expense fund of the county in which
2 collected.

3 **Sec. 129.** RCW 84.48.120 and 1987 c 168 s 2 are each amended to
4 read as follows:

5 It shall be the duty of the county assessor of each county, when he
6 or she shall have received from the state department of revenue the
7 assessed valuation of the property of railroad and other companies
8 assessed by the department of revenue and apportioned to the county,
9 and placed the same on the tax rolls, and received the report of the
10 department of revenue of the amount of taxes levied for state purposes,
11 to compute the required percent on the assessed value of property in
12 the county, and such state taxes shall be extended on the tax rolls in
13 the proper column: PROVIDED, That the rates so computed shall not be
14 such as to raise a surplus of more than five percent over the total
15 amount required by the (~~state board~~) department of (~~equalization~~)
16 revenue: PROVIDED FURTHER, That any surplus raised shall be remitted
17 to the state in accordance with RCW 84.56.280.

18 **Sec. 130.** RCW 84.48.150 and 1973 1st ex.s. c 30 s 1 are each
19 amended to read as follows:

20 The assessor shall, upon the request of any taxpayer who petitions
21 the board of equalization for review of a tax claim or valuation
22 dispute, make available to said taxpayer a compilation of comparable
23 sales utilized by the assessor in establishing such taxpayer's property
24 valuation. If valuation criteria other than comparable sales were
25 used, the assessor shall furnish the taxpayer with such other factors
26 and the addresses of such other property used in making the
27 determination of value.

28 The assessor shall within (~~thirty~~) sixty days of such request but
29 at least (~~ten~~) fifteen business days prior to such taxpayer's
30 appearance before the board of equalization make available to the
31 taxpayer the valuation criteria and/or comparable(~~s~~) sales which
32 shall not be subsequently changed (~~or modified~~) by the assessor
33 (~~during review or appeal proceedings~~) unless the assessor has found
34 new evidence supporting the assessor's valuation, in which situation
35 the assessor shall provide such additional evidence to the taxpayer and
36 the board of equalization at least (~~ten~~) fifteen business days prior
37 to the hearing (~~on appeal or review proceedings~~) at the board of

1 equalization. A taxpayer who lists comparable sales on ((his)) a
2 notice of appeal (~~shall not thereafter use other comparables during~~
3 ~~the review of appeal proceedings:~~ PROVIDED, That the taxpayer may
4 change the comparable sales he is using in proceedings subsequent to
5 the county board of equalization only if he provides a listing of such
6 different comparables to the assessor at least five business days prior
7 to such subsequent proceedings: ~~PROVIDED FURTHER,~~ That the board of
8 equalization may waive the requirements contained in the preceding
9 proviso or allow the assessor a continuance of reasonable duration to
10 check ~~the comparables furnished by the taxpayer~~) shall not
11 subsequently change such sales unless the taxpayer has found new
12 evidence supporting the taxpayer's proposed valuation in which case the
13 taxpayer shall provide such additional evidence to the assessor and
14 board of equalization at least ten business days prior to the hearing.
15 If either the assessor or taxpayer do not meet the requirements of this
16 section the board of equalization may continue the hearing to provide
17 the parties an opportunity to review all evidence or, upon objection,
18 refuse to consider sales not submitted in a timely manner.

19 NEW SECTION. **Sec. 131.** A new section is added to chapter 84.48
20 RCW to read as follows:

21 The board of equalization may enter an order that has effect up to
22 the end of the assessment cycle used by the assessor, if there has been
23 no intervening change in the assessed value during that time.

24 **Sec. 132.** RCW 84.52.043 and 1990 c 234 s 1 are each amended to
25 read as follows:

26 Within and subject to the limitations imposed by RCW 84.52.050 as
27 amended, the regular ad valorem tax levies upon real and personal
28 property by the taxing districts hereafter named shall be as follows:

29 (1) Levies of the senior taxing districts shall be as follows: (a)
30 The levy by the state shall not exceed three dollars and sixty cents
31 per thousand dollars of assessed value adjusted to the state equalized
32 value in accordance with the indicated ratio fixed by the state
33 department of revenue to be used exclusively for the support of the
34 common schools; (b) the levy by any county shall not exceed one dollar
35 and eighty cents per thousand dollars of assessed value; (c) the levy
36 by any road district shall not exceed two dollars and twenty-five cents
37 per thousand dollars of assessed value; and (d) the levy by any city or

1 town shall not exceed three dollars and thirty-seven and one-half cents
2 per thousand dollars of assessed value. However any county is hereby
3 authorized to increase its levy from one dollar and eighty cents to a
4 rate not to exceed two dollars and forty-seven and one-half cents per
5 thousand dollars of assessed value for general county purposes if the
6 total levies for both the county and any road district within the
7 county do not exceed four dollars and five cents per thousand dollars
8 of assessed value, and no other taxing district has its levy reduced as
9 a result of the increased county levy.

10 (2) (~~Except as provided in RCW 84.52.100,~~) The aggregate levies
11 of junior taxing districts and senior taxing districts, other than the
12 state, shall not exceed five dollars and ninety cents per thousand
13 dollars of assessed valuation. The term "junior taxing districts"
14 includes all taxing districts other than the state, counties, road
15 districts, cities, towns, port districts, and public utility districts.
16 The limitations provided in this subsection shall not apply to: (a)
17 Levies at the rates provided by existing law by or for any port or
18 public utility district; (b) excess property tax levies authorized in
19 Article VII, section 2 of the state Constitution; (c) levies for
20 acquiring conservation futures as authorized under RCW 84.34.230; and
21 (d) levies for emergency medical care or emergency medical services
22 imposed under RCW 84.52.069.

23 NEW SECTION. **Sec. 133.** A new section is added to chapter 84.52
24 RCW to read as follows:

25 (1) Annually, at the time required by law for the levying of taxes
26 for county purposes, the proper county officers required by law to make
27 and enter such tax levies shall make and enter a tax levy or levies as
28 follows:

29 (a) A levy upon all of the taxable property within the county for
30 the amount of all taxes levied by the county for county or state
31 purposes that were:

32 (i) Canceled as uncollectible pursuant to RCW 84.56.240 within the
33 preceding twelve months; or

34 (ii) Not collected because of changes made after final
35 certification of the assessment roll.

36 (b) A levy upon all of the taxable property of each taxing district
37 within the county for the amount of all taxes levied by the county for
38 the purposes of such taxing district that were:

1 (i) Canceled as uncollectible pursuant to RCW 84.56.240 within the
2 preceding twelve months; or

3 (ii) Not collected because of changes made after final
4 certification of the assessment roll.

5 (2) For purposes of this section, "changes" means increases or
6 decreases in assessed value of property resulting from an error or
7 final adjustments made by a county board of equalization, the state
8 board of tax appeals, or a court of competent jurisdiction, including
9 changes reflecting settlements of proceedings in such board or court.
10 "Changes" does not include changes in assessed value of property
11 resulting from actions brought to recover taxes under RCW 84.68.020.

12 **Sec. 134.** RCW 84.55.005 and 1983 1st ex.s. c 62 s 11 are each
13 amended to read as follows:

14 As used in this chapter, the term "regular property taxes" has the
15 meaning given it in RCW 84.04.140, and also includes amounts received
16 in lieu of regular property taxes (~~(under RCW 84.09.080)~~).

17 **Sec. 135.** RCW 84.55.070 and 1982 1st ex.s. c 28 s 2 are each
18 amended to read as follows:

19 The provisions of this chapter shall not apply to a levy, including
20 the state levy, or that portion of a levy, made by or for a taxing
21 district for the purpose stated in section 133 of this act, or made by
22 or for a taxing district for the purpose of funding a property tax
23 refund paid or to be paid pursuant to the provisions of chapter 84.68
24 RCW or attributable to a property tax refund paid or to be paid
25 pursuant to the provisions of chapter 84.69 RCW, attributable to
26 amounts of state taxes withheld under RCW 84.56.290 or the provisions
27 of chapter 84.69 RCW, or otherwise attributable to state taxes lawfully
28 owing by reason of adjustments made under RCW 84.48.080.

29 **Sec. 136.** RCW 84.56.340 and 1985 c 395 s 4 are each amended to
30 read as follows:

31 Any person desiring to pay taxes upon any part or parts of real
32 property heretofore or hereafter assessed as one parcel, or tract, may
33 do so by applying to the county assessor, who must carefully
34 investigate and ascertain the relative or proportionate value said part
35 bears to the whole tract assessed, on which basis the assessment must
36 be divided, and the assessor shall forthwith certify such proportionate

1 value to the county treasurer: PROVIDED, That excepting when property
2 is being acquired for public use, or where a person or financial
3 institution desires to pay the taxes and any penalties and interest on
4 a mobile home upon which they have a lien by mortgage or otherwise, no
5 segregation of property for tax purposes shall be made unless all
6 delinquent taxes and assessments on the entire tract have been paid in
7 full(~~(: AND PROVIDED FURTHER, That where the assessed valuation of the~~
8 ~~tract to be divided exceeds two thousand dollars a notice by registered~~
9 ~~mail must be given by the assessor to the several owners interested in~~
10 ~~said tract, if known, and if no protest against said division be filed~~
11 ~~with the county assessor within twenty days from date of notice,)).~~
12 The county assessor shall duly certify the proportionate value to the
13 county treasurer. The county treasurer, upon receipt of certification,
14 shall duly accept payment and issue receipt on the apportionment
15 certified by the county assessor. In cases where protest is filed to
16 said division appeal shall be made to the county commissioners at their
17 next regular session for final division, and the county treasurer shall
18 accept and receipt for said taxes as determined and ordered by county
19 commissioners. Any person desiring to pay on an undivided interest in
20 any real property may do so by paying to the county treasurer a sum
21 equal to such proportion of the entire taxes charged on the entire
22 tract as interest paid on bears to the whole.

23 **Sec. 137.** RCW 84.60.050 and 1971 ex.s. c 260 s 2 are each amended
24 to read as follows:

25 (1) When real property is acquired by purchase or condemnation by
26 the state of Washington, any county or municipal corporation or is
27 placed under a recorded agreement for immediate possession and use or
28 an order of immediate possession and use pursuant to RCW 8.04.090, such
29 property shall continue to be subject to the tax lien for the years
30 prior to the year in which the property is so acquired or placed under
31 such agreement or order, of any tax levied by the state, county,
32 municipal corporation or other tax levying public body, except as is
33 otherwise provided in RCW 84.60.070.

34 (2) The lien for taxes applicable to the real property being
35 acquired or placed under immediate possession and use for the year in
36 which such real property is so acquired or placed under immediate
37 possession and use shall be for only the pro rata portion of taxes
38 allocable to that portion of the year prior to the date of execution of

1 the instrument vesting title, date of recording such agreement of
2 immediate possession and use, date of such order of immediate
3 possession and use, or date of judgment. No taxes levied or tax lien on
4 such property allocable to a period subsequent to the dates identified
5 in this subsection shall be valid and any such taxes levied shall be
6 canceled as provided in RCW (~~(84.56.400)~~) 84.48.065. In the event the
7 owner has paid taxes allocable to that portion of the year subsequent
8 to the dates identified in this subsection he or she shall be entitled
9 to a pro rata refund of the amount paid on the property so acquired or
10 placed under a recorded agreement or an order of immediate possession
11 and use. If the dates identified in this subsection precede February
12 15th of the year in which such taxes become payable, no lien for such
13 taxes shall be valid and any such taxes levied but not payable shall be
14 canceled as provided in RCW (~~(84.56.400)~~) 84.48.065.

15 **Sec. 138.** RCW 84.69.020 and 1991 c 245 s 31 are each amended to
16 read as follows:

17 On the order of the county treasurer, ad valorem taxes paid before
18 or after delinquency shall be refunded if they were:

19 (1) Paid more than once; or

20 (2) Paid as a result of manifest error in description; or

21 (3) Paid as a result of a clerical error in extending the tax
22 rolls; or

23 (4) Paid as a result of other clerical errors in listing property;
24 or

25 (5) Paid with respect to improvements which did not exist on
26 assessment date; or

27 (6) Paid under levies or statutes adjudicated to be illegal or
28 unconstitutional; or

29 (7) Paid as a result of mistake, inadvertence, or lack of knowledge
30 by any person exempted from paying real property taxes or a portion
31 thereof pursuant to RCW 84.36.381 through 84.36.389, as now or
32 hereafter amended; or

33 (8) Paid (~~or overpaid~~) as a result of mistake, inadvertence, or
34 lack of knowledge by either a public official or employee or by any
35 person (~~paying the same or paid as a result of mistake, inadvertence,~~
36 ~~or lack of knowledge by either a public official or employee or by any~~
37 ~~person paying the same~~) with respect to real property in which the
38 person paying the same has no legal interest; or

1 (9) Paid on the basis of an assessed valuation which was appealed
2 to the county board of equalization and ordered reduced by the board;
3 or

4 (10) Paid on the basis of an assessed valuation which was appealed
5 to the state board of tax appeals and ordered reduced by the board:
6 PROVIDED, That the amount refunded under subsections (9) and (10) of
7 this section shall only be for the difference between the tax paid on
8 the basis of the appealed valuation and the tax payable on the
9 valuation adjusted in accordance with the board's order; or

10 (11) Paid as a state property tax levied upon property, the
11 assessed value of which has been established by the state board of tax
12 appeals for the year of such levy: PROVIDED, HOWEVER, That the amount
13 refunded shall only be for the difference between the state property
14 tax paid and the amount of state property tax which would, when added
15 to all other property taxes within the one percent limitation of
16 Article VII, section 2 (Amendment 59) of the state Constitution equal
17 one percent of the assessed value established by the board;

18 (12) Paid on the basis of an assessed valuation which was
19 adjudicated to be unlawful or excessive: PROVIDED, That the amount
20 refunded shall be for the difference between the amount of tax which
21 was paid on the basis of the valuation adjudged unlawful or excessive
22 and the amount of tax payable on the basis of the assessed valuation
23 determined as a result of the proceeding; or

24 (13) Paid on property acquired under RCW 84.60.050, and canceled
25 under RCW 84.60.050(2).

26 No refunds under the provisions of this section shall be made
27 because of any error in determining the valuation of property, except
28 as authorized in subsections (9), (10), (11), and (12) of this section
29 nor may any refunds be made if a bona fide purchaser has acquired
30 rights (~~that would preclude the assessment and collection of the~~
31 ~~refunded tax from~~) in the property that should properly have been
32 charged with the tax. Any refunds made on delinquent taxes shall
33 include the proportionate amount of interest and penalties paid.

34 The county treasurer of each county shall make all refunds
35 determined to be authorized by this section, and by the first Monday in
36 January of each year, report to the county legislative authority a list
37 of all refunds made under this section during the previous year. The
38 list is to include the name of the person receiving the refund, the
39 amount of the refund, and the reason for the refund.

1 **Sec. 139.** RCW 84.70.010 and 1987 c 319 s 6 are each amended to
2 read as follows:

3 (1) If, on or before December 31 in any calendar year, any real or
4 personal property placed upon the assessment roll of that year is
5 destroyed in whole or in part, or is in an area that has been declared
6 a disaster area by the governor and has been reduced in value by more
7 than twenty percent as a result of a natural disaster, the true cash
8 value of such property shall be reduced for that year by an amount
9 determined as follows:

10 (a) First take the true cash value of such taxable property before
11 destruction or reduction in value and deduct therefrom the true cash
12 value of the remaining property after destruction or reduction in
13 value.

14 (b) Then divide any amount remaining by the number of days in the
15 year and multiply the quotient by the number of days remaining in the
16 calendar year after the date of the destruction or reduction in value
17 of the property.

18 (2) No reduction in the true cash value shall be made more than
19 three years after the date of destruction or reduction in value.

20 (3) The assessor shall make such reduction on his or her own
21 motion; however, the taxpayer may make application for reduction on
22 forms prepared by the department and provided by the assessor. The
23 assessor shall notify the taxpayer of the amount of reduction.

24 (4) If destroyed property is replaced prior to the valuation dates
25 contained in RCW 36.21.080 and 36.21.090, the total taxable value for
26 that year shall not exceed the value as of the appropriate valuation
27 date in RCW 36.21.080 or 36.21.090, whichever is appropriate.

28 (5) The taxpayer may appeal the amount of reduction to the county
29 board of equalization within thirty days of notification or July
30 ((15th)) 1st of the year of reduction, whichever is later. The board
31 shall reconvene, if necessary, to hear the appeal.

32 NEW SECTION. **Sec. 140.** The following acts or parts of acts are
33 each repealed:

34 (1) RCW 35.49.120 and 1965 c 7 s 35.49.120;

35 (2) RCW 36.21.020 and 1963 c 4 s 36.21.020;

36 (3) RCW 36.21.030 and 1963 c 4 s 36.21.030; and

37 (4) RCW 84.56.023 and 1989 c 378 s 38.

1 NEW SECTION. **Sec. 141.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 35.23.070 and 1965 c 7 s 35.23.070;
4 (2) RCW 35.24.070 and 1965 c 7 s 35.24.070;
5 (3) RCW 35.27.110 and 1965 c 7 s 35.27.110;
6 (4) RCW 35.61.060 and 1985 c 416 s 2 & 1965 c 7 s 35.61.069;
7 (5) RCW 35.61.070 and 1965 c 7 s 35.61.070;
8 (6) RCW 35.61.080 and 1965 c 7 s 35.61.080;
9 (7) RCW 35A.02.001 and 1989 c 84 s 35;
10 (8) RCW 35A.02.100 and 1967 ex.s. c 119 s 35A.02.100;
11 (9) RCW 35A.02.110 and 1979 ex.s. c 18 s 9 & 1967 ex.s. c 119 s
12 35A.02.110;
13 (10) RCW 35A.15.030 and 1967 ex.s. c 119 s 35A.15.030;
14 (11) RCW 35A.16.020 and 1967 ex.s. c 119 s 35A.16.020;
15 (12) RCW 35A.29.010 and 1967 ex.s. c 119 s 35A.29.010;
16 (13) RCW 35A.29.020 and 1967 ex.s. c 119 s 35A.29.020;
17 (14) RCW 35A.29.030 and 1967 ex.s. c 119 s 35A.29.030;
18 (15) RCW 35A.29.040 and 1967 ex.s. c 119 s 35A.29.040;
19 (16) RCW 35A.29.050 and 1967 ex.s. c 119 s 35A.29.050;
20 (17) RCW 35A.29.060 and 1967 ex.s. c 119 s 35A.29.060;
21 (18) RCW 35A.29.070 and 1967 ex.s. c 119 s 35A.29.070;
22 (19) RCW 35A.29.080 and 1967 ex.s. c 119 s 35A.29.080;
23 (20) RCW 35A.29.090 and 1986 c 234 s 32 & 1985 c 281 s 27;
24 (21) RCW 35A.29.100 and 1967 ex.s. c 119 s 35A.29.100;
25 (22) RCW 35A.29.105 and 1990 c 59 s 106 & 1967 ex.s. c 119 s
26 35A.29.105;
27 (23) RCW 35A.29.110 and 1990 c 59 s 107, 1986 c 167 s 21, 1979
28 ex.s. c 18 s 30, 1970 ex.s. c 52 s 4, & 1967 ex.s. c 119 s 35A.29.110;
29 (24) RCW 35A.29.140 and 1967 ex.s. c 119 s 35A.29.140;
30 (25) RCW 35A.29.150 and 1970 ex.s. c 52 s 5 & 1967 ex.s. c 119 s
31 35A.29.150;
32 (26) RCW 36.54.080 and 1973 1st ex.s. c 195 s 36 & 1963 c 4 s
33 36.54.080;
34 (27) RCW 36.54.090 and 1963 c 4 s 36.54.090;
35 (28) RCW 36.54.100 and 1963 c 4 s 36.54.100;
36 (29) RCW 36.69.060 and 1963 c 4 s 36.69.060;
37 (30) RCW 44.70.010 and 1987 c 298 s 7;
38 (31) RCW 53.12.047 and 1992 c 146 s 6;

1 (32) RCW 53.12.150 and 1990 c 40 s 1, 1985 c 87 s 1, 1983 c 11 s 1,
2 1959 c 175 s 8, & 1959 c 17 s 8;

3 (33) RCW 57.02.060 and 1982 1st ex.s. c 17 s 6;

4 (34) RCW 68.52.240 and 1947 c 6 s 16;

5 (35) RCW 70.44.051 and 1967 c 77 s 1;

6 (36) RCW 70.44.055 and 1967 c 77 s 3; and

7 (37) RCW 70.44.057 and 1967 c 77 s 4.

8 NEW SECTION. **Sec. 142.** (1) Sections 35, 87, 116, and 117 of this
9 act are necessary for the immediate preservation of the public peace,
10 health, or safety, or support of the state government and its existing
11 public institutions, and shall take effect immediately.

12 (2) Sections 101 through 115 and 118 through 140 of this act are
13 necessary for the immediate preservation of the public peace, health,
14 or safety, or support of the state government and its existing public
15 institutions, and shall take effect July 1, 1993."

16 **2ESHB 1464** - S AMD

17 By Senators Haugen, Gaspard, McAuliffe, Loveland and Skratek

18 ADOPTED 4/30/93

19 On page 1, line 1 of the title, after "government;" strike the
20 remainder of the title and insert "amending RCW 42.12.010, 43.06.010,
21 14.08.304, 28A.315.520, 29.15.050, 29.15.120, 29.15.200, 35.17.020,
22 35.17.400, 35.18.020, 35.18.270, 35.23.050, 35.23.240, 35.23.530,
23 35.24.050, 35.24.060, 35.24.100, 35.24.290, 35.27.100, 35.27.140,
24 35.61.050, 35A.01.070, 35A.02.050, 35A.02.130, 35A.06.020, 35A.06.030,
25 35A.06.050, 35A.12.010, 35A.12.040, 35A.12.050, 35A.12.060, 35A.12.180,
26 35A.13.010, 35A.13.020, 35A.14.060, 35A.14.070, 35A.15.040, 35A.16.030,
27 36.69.020, 36.69.070, 36.69.080, 36.69.090, 36.69.100, 36.69.440,
28 36.105.010, 36.105.020, 36.105.030, 52.14.010, 52.14.015, 52.14.030,
29 52.14.050, 52.14.060, 53.12.140, 54.08.060, 54.12.010, 54.40.070,
30 56.12.020, 56.12.030, 57.02.050, 57.12.020, 57.12.030, 57.12.039,
31 57.32.022, 57.32.023, 68.52.100, 68.52.140, 68.52.160, 68.52.220,
32 70.44.040, 70.44.045, 70.44.053, 70.77.177, 70.77.265, 70.77.270,
33 70.77.280, 70.77.355, 70.77.450, 70.95A.030, 70.95A.060, 54.16.030,
34 84.52.069, 53.12.010, 53.04.023, 53.12.115, 53.12.120, 53.12.130,
35 53.12.175, 53.16.015, 9.46.110, 28A.315.440, 35.49.130, 36.21.011,
36 46.44.175, 84.08.130, 84.08.140, 84.12.360, 84.12.370, 84.16.090,

1 84.16.120, 84.16.130, 84.33.130, 84.34.230, 84.36.381, 84.38.040,
2 84.40.0301, 84.40.045, 84.40.080, 84.40.090, 84.40.170, 84.41.070,
3 84.44.010, 84.48.050, 84.48.080, 84.48.110, 84.48.120, 84.48.150,
4 84.52.043, 84.55.005, 84.55.070, 84.56.340, 84.60.050, 84.69.020, and
5 84.70.010; reenacting and amending RCW 84.09.030 and 53.12.172; adding
6 a new section to chapter 42.12 RCW; adding a new section to chapter
7 29.15 RCW; adding a new section to chapter 35.02 RCW; adding a new
8 section to chapter 35A.29 RCW; adding a new section to chapter 56.12
9 RCW; adding a new section to chapter 68.52 RCW; adding a new section to
10 chapter 70.77 RCW; adding a new section to chapter 35.21 RCW; adding a
11 new section to chapter 53.12 RCW; adding a new section to chapter 53.04
12 RCW; adding a new section to chapter 82.03 RCW; adding a new section to
13 chapter 84.48 RCW; adding a new section to chapter 84.52 RCW; creating
14 a new section; repealing RCW 35.49.120, 36.21.020, 36.21.030,
15 84.56.023, 35.23.070, 35.24.070, 35.27.110, 35.61.060, 35.61.070,
16 35.61.080, 35A.02.001, 35A.02.100, 35A.02.110, 35A.15.030, 35A.16.020,
17 35A.29.010, 35A.29.020, 35A.29.030, 35A.29.040, 35A.29.050, 35A.29.060,
18 35A.29.070, 35A.29.080, 35A.29.090, 35A.29.100, 35A.29.105, 35A.29.110,
19 35A.29.140, 35A.29.150, 36.54.080, 36.54.090, 36.54.100, 36.69.060,
20 44.70.010, 53.12.047, 53.12.150, 57.02.060, 68.52.240, 70.44.051,
21 70.44.055, and 70.44.057; providing an effective date; and declaring an
22 emergency."

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