

2 **ESB 6025** - CONF REPT
3 By Conference Committee

4 ADOPTED 3/10/94

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

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

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

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

34 Notice of a (~~((special))~~) corporate limit reduction election shall be
35 published (~~((for))~~) at least (~~((four))~~) once each week for two consecutive

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

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

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

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

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

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

34 (~~Immediately upon~~) A certified copy of the ordinance defining the
35 reduced city or town limits (~~going into effect, a certified copy~~
36 ~~thereof~~) together with a map showing the corporate limits as altered

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

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

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

16 **Sec. 7.** RCW 35.22.288 and 1988 c 168 s 1 are each amended to read
17 as follows:

18 Promptly after adoption, the text of each ordinance or a summary of
19 the content of each ordinance shall be published at least once in the
20 official newspaper of the city. For purposes of this section, a
21 summary shall mean a brief description which succinctly describes the
22 main points of the ordinance. Publication of the title of an ordinance
23 authorizing the issuance of bonds, notes, or other evidences of
24 indebtedness shall constitute publication of a summary of that
25 ordinance. When the city publishes a summary, the publication shall
26 include a statement that the full text of the ordinance will be mailed
27 upon request.

28 An inadvertent mistake or omission in publishing the text or a
29 summary of the content of an ordinance shall not render the ordinance
30 invalid.

31 In addition to the requirement that a city publish the text or a
32 summary of the content of each adopted ordinance, every city shall
33 establish a procedure for notifying the public of upcoming hearings and
34 the preliminary agenda for the forthcoming council meeting. Such
35 procedure may include, but not be limited to, written notification to
36 the city's official newspaper, publication of a notice in the official
37 newspaper, posting of upcoming council meeting agendas, or such other

1 processes as the city determines will satisfy the intent of this
2 requirement.

3 **Sec. 8.** RCW 35.23.310 and 1988 c 168 s 2 are each amended to read
4 as follows:

5 Promptly after adoption, the text of each ordinance or a summary of
6 the content of each ordinance shall be published at least once in the
7 official newspaper of the city. For purposes of this section, a
8 summary shall mean a brief description which succinctly describes the
9 main points of the ordinance. Publication of the title of an ordinance
10 authorizing the issuance of bonds, notes, or other evidences of
11 indebtedness shall constitute publication of a summary of that
12 ordinance. When the city publishes a summary, the publication shall
13 include a statement that the full text of the ordinance will be mailed
14 upon request.

15 An inadvertent mistake or omission in publishing the text or a
16 summary of the content of an ordinance shall not render the ordinance
17 invalid.

18 In addition to the requirement that a city publish the text or a
19 summary of the content of each adopted ordinance, every city shall
20 establish a procedure for notifying the public of upcoming hearings and
21 the preliminary agenda for the forthcoming council meeting. Such
22 procedure may include, but not be limited to, written notification to
23 the city's official newspaper, publication of a notice in the official
24 newspaper, posting of upcoming council meeting agendas, or such other
25 processes as the city determines will satisfy the intent of this
26 requirement.

27 A certified copy of any ordinance certified to by the clerk, or a
28 printed copy of any ordinance or compilation printed by authority of
29 the city council and attested by the clerk shall be competent evidence
30 in any court.

31 **Sec. 9.** RCW 35.23.352 and 1993 c 198 s 10 are each amended to read
32 as follows:

33 (1) Any second or third class city or any town may construct any
34 public works, as defined in RCW 39.04.010, by contract or day labor
35 without calling for bids therefor whenever the estimated cost of the
36 work or improvement, including cost of materials, supplies and
37 equipment will not exceed the sum of thirty thousand dollars if more

1 than one craft or trade is involved with the public works, or twenty
2 thousand dollars if a single craft or trade is involved with the public
3 works or the public works project is street signalization or street
4 lighting. A public works project means a complete project. The
5 restrictions in this subsection do not permit the division of the
6 project into units of work or classes of work to avoid the restriction
7 on work that may be performed by day labor on a single project.

8 Whenever the cost of the public work or improvement, including
9 materials, supplies and equipment, will exceed these figures, the same
10 shall be done by contract. All such contracts shall be let at public
11 bidding upon publication of notice calling for sealed bids upon the
12 work. The notice shall be published in the official newspaper, or a
13 newspaper of general circulation most likely to bring responsive bids,
14 at least thirteen days prior to the last date upon which bids will be
15 received. The notice shall generally state the nature of the work to
16 be done that plans and specifications therefor shall then be on file in
17 the city or town hall for public inspections, and require that bids be
18 sealed and filed with the council or commission within the time
19 specified therein. Each bid shall be accompanied by a bid proposal
20 deposit in the form of a cashier's check, postal money order, or surety
21 bond to the council or commission for a sum of not less than five
22 percent of the amount of the bid, and no bid shall be considered unless
23 accompanied by such bid proposal deposit. The council or commission of
24 the city or town shall let the contract to the lowest responsible
25 bidder or shall have power by resolution to reject any or all bids and
26 to make further calls for bids in the same manner as the original call.

27 When the contract is let then all bid proposal deposits shall be
28 returned to the bidders except that of the successful bidder which
29 shall be retained until a contract is entered into and a bond to
30 perform the work furnished, with surety satisfactory to the council or
31 commission, in accordance with RCW 39.08.030. If the bidder fails to
32 enter into the contract in accordance with his or her bid and furnish
33 a bond within ten days from the date at which he or she is notified
34 that he or she is the successful bidder, the check or postal money
35 order and the amount thereof shall be forfeited to the council or
36 commission or the council or commission shall recover the amount of the
37 surety bond.

38 If no bid is received on the first call the council or commission
39 may readvertise and make a second call, or may enter into a contract

1 without any further call or may purchase the supplies, material or
2 equipment and perform the work or improvement by day labor.

3 (2) The allocation of public works projects to be performed by city
4 or town employees shall not be subject to a collective bargaining
5 agreement.

6 (3) In lieu of the procedures of subsection (1) of this section, a
7 second or third class city or a town may use ((a)) the small works
8 roster process ((and)) provided in RCW 39.04.155 to award public works
9 contracts with an estimated value of one hundred thousand dollars or
10 less ((as provided in RCW 39.04.155)).

11 Whenever possible, the city or town shall invite at least one
12 proposal from a minority or woman contractor who shall otherwise
13 qualify under this section.

14 (4) After September 1, 1987, each second class city, third class
15 city, and town shall use the form required by RCW 43.09.205 to account
16 and record costs of public works in excess of five thousand dollars
17 that are not let by contract.

18 (5) The cost of a separate public works project shall be the costs
19 of the materials, equipment, supplies, and labor on that construction
20 project.

21 (6) Any purchase of supplies, material, or equipment ((~~or services~~
22 ~~other than professional services~~)), except for public work or
23 improvement, where the cost thereof exceeds seven thousand five hundred
24 dollars shall be made upon call for bids.

25 (7) Bids shall be called annually and at a time and in the manner
26 prescribed by ordinance for the publication in a newspaper of general
27 circulation in the city or town of all notices or newspaper
28 publications required by law. The contract shall be awarded to the
29 lowest responsible bidder.

30 (8) For advertisement and formal sealed bidding to be dispensed
31 with as to purchases between seven thousand five hundred and fifteen
32 thousand dollars, the city legislative authority must authorize by
33 resolution, use of the uniform procedure provided in RCW 39.04.190.

34 (9) These requirements for purchasing may be waived by resolution
35 of the city or town council which declared that the purchase is clearly
36 and legitimately limited to a single source or supply within the near
37 vicinity, or the materials, supplies, equipment, or services are
38 subject to special market conditions, and recites why this situation
39 exists. Such actions are subject to RCW 39.30.020.

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

4 (11) Nothing in this section shall prohibit any second or third
5 class city or any town from allowing for preferential purchase of
6 products made from recycled materials or products that may be recycled
7 or reused.

8 **Sec. 10.** RCW 35.24.220 and 1988 c 168 s 4 are each amended to read
9 as follows:

10 Promptly after adoption, the text of each ordinance or a summary of
11 the content of each ordinance shall be published at least once in the
12 city's official newspaper.

13 For purposes of this section, a summary shall mean a brief
14 description which succinctly describes the main points of the
15 ordinance. Publication of the title of an ordinance authorizing the
16 issuance of bonds, notes, or other evidences of indebtedness shall
17 constitute publication of a summary of that ordinance. When the city
18 publishes a summary, the publication shall include a statement that the
19 full text of the ordinance will be mailed upon request.

20 An inadvertent mistake or omission in publishing the text or a
21 summary of the content of an ordinance shall not render the ordinance
22 invalid.

23 In addition to the requirement that a city publish the text or a
24 summary of the content of each adopted ordinance, every city shall
25 establish a procedure for notifying the public of upcoming hearings and
26 the preliminary agenda for the forthcoming council meeting. Such
27 procedure may include, but not be limited to, written notification to
28 the city's official newspaper, publication of a notice in the official
29 newspaper, posting of upcoming council meeting agendas, or such other
30 processes as the city determines will satisfy the intent of this
31 requirement.

32 **Sec. 11.** RCW 35.27.010 and 1965 c 7 s 35.27.010 are each amended
33 to read as follows:

34 Every municipal corporation of the fourth class shall be entitled
35 the "Town of" (naming it), and by such name shall
36 have perpetual succession, may sue, and be sued in all courts and
37 places, and in all proceedings whatever; shall have and use a common

1 seal, alterable at the pleasure of the town authorities, and may
2 purchase, lease, receive, hold, and enjoy real and personal property
3 and control ((and)), lease, sublease, convey, or otherwise dispose of
4 the same for the common benefit.

5 **Sec. 12.** RCW 35.27.300 and 1988 c 168 s 5 are each amended to read
6 as follows:

7 Promptly after adoption, the text of each ordinance or a summary of
8 the content of each ordinance shall be published at least once in the
9 official newspaper of the town.

10 For purposes of this section, a summary shall mean a brief
11 description which succinctly describes the main points of the
12 ordinance. Publication of the title of an ordinance authorizing the
13 issuance of bonds, notes, or other evidences of indebtedness shall
14 constitute publication of a summary of that ordinance. When the town
15 publishes a summary, the publication shall include a statement that the
16 full text of the ordinance will be mailed upon request.

17 An inadvertent mistake or omission in publishing the text or a
18 summary of the content of an ordinance shall not render the ordinance
19 invalid.

20 In addition to the requirement that a town publish the text or a
21 summary of the content of each adopted ordinance, every town shall
22 establish a procedure for notifying the public of upcoming hearings and
23 the preliminary agenda for the forthcoming council meeting. Such
24 procedure may include, but not be limited to, written notification to
25 the town's official newspaper, publication of a notice in the official
26 newspaper, posting of upcoming council meeting agendas, or such other
27 processes as the town determines will satisfy the intent of this
28 requirement.

29 **Sec. 13.** RCW 35.30.018 and 1988 c 168 s 6 are each amended to read
30 as follows:

31 Promptly after adoption, the text of each ordinance or a summary of
32 the content of each ordinance shall be published at least once in the
33 official newspaper of the city.

34 For purposes of this section, a summary shall mean a brief
35 description which succinctly describes the main points of the
36 ordinance. Publication of the title of an ordinance authorizing the
37 issuance of bonds, notes, or other evidences of indebtedness shall

1 constitute publication of a summary of that ordinance. When the city
2 publishes a summary, the publication shall include a statement that the
3 full text of the ordinance will be mailed upon request.

4 An inadvertent mistake or omission in publishing the text or a
5 summary of the content of an ordinance shall not render the ordinance
6 invalid.

7 In addition to the requirement that a city publish the text or a
8 summary of the content of each adopted ordinance, every city shall
9 establish a procedure for notifying the public of upcoming hearings and
10 the preliminary agenda for the forthcoming council meeting. Such
11 procedure may include, but not be limited to, written notification to
12 the city's official newspaper, publication of a notice in the official
13 newspaper, posting of upcoming council meeting agendas, or such other
14 processes as the city determines will satisfy the intent of this
15 requirement.

16 NEW SECTION. Sec. 14. A new section is added to chapter 35.63 RCW
17 to read as follows:

18 No city may enact, enforce, or maintain an ordinance, development
19 regulation, zoning regulation, or official control, policy, or
20 administrative practice which prohibits the use of a residential
21 dwelling, located in an area zoned for residential or commercial use,
22 as a family day-care provider's home facility.

23 A city may require that the facility: (1) Comply with all
24 building, fire, safety, health code, and business licensing
25 requirements; (2) conform to lot size, building size, setbacks, and lot
26 coverage standards applicable to the zoning district except if the
27 structure is a legal nonconforming structure; (3) is certified by the
28 state department of licensing as providing a safe passenger loading
29 area; (4) include signage, if any, that conforms to applicable
30 regulations; and (5) limit hours of operations to facilitate
31 neighborhood compatibility, while also providing appropriate
32 opportunity for persons who use family day-care and who work a
33 nonstandard work shift.

34 A city may also require that the family day-care provider, before
35 state licensing, require proof of written notification by the provider
36 that the immediately adjoining property owners have been informed of
37 the intent to locate and maintain such a facility. If a dispute arises

1 between neighbors and the family day-care provider over licensing
2 requirements, the licensor may provide a forum to resolve the dispute.

3 Nothing in this section shall be construed to prohibit a city from
4 imposing zoning conditions on the establishment and maintenance of a
5 family day-care provider's home in an area zoned for residential or
6 commercial use, so long as such conditions are no more restrictive than
7 conditions imposed on other residential dwellings in the same zone and
8 the establishment of such facilities is not precluded. As used in this
9 section, "family day-care provider" is as defined in RCW 74.15.020.

10 **Sec. 15.** RCW 35A.12.160 and 1988 c 168 s 7 are each amended to
11 read as follows:

12 Promptly after adoption, the text of each ordinance or a summary of
13 the content of each ordinance shall be published at least once in the
14 city's official newspaper.

15 For purposes of this section, a summary shall mean a brief
16 description which succinctly describes the main points of the
17 ordinance. Publication of the title of an ordinance authorizing the
18 issuance of bonds, notes, or other evidences of indebtedness shall
19 constitute publication of a summary of that ordinance. When the city
20 publishes a summary, the publication shall include a statement that the
21 full text of the ordinance will be mailed upon request.

22 An inadvertent mistake or omission in publishing the text or a
23 summary of the content of an ordinance shall not render the ordinance
24 invalid.

25 In addition to the requirement that a city publish the text or a
26 summary of the content of each adopted ordinance, every city shall
27 establish a procedure for notifying the public of upcoming hearings and
28 the preliminary agenda for the forthcoming council meeting. Such
29 procedure may include, but not be limited to, written notification to
30 the city's official newspaper, publication of a notice in the official
31 newspaper, posting of upcoming council meeting agendas, or such other
32 processes as the city determines will satisfy the intent of this
33 requirement.

34 NEW SECTION. **Sec. 16.** A new section is added to chapter 35A.63
35 RCW to read as follows:

36 No city may enact, enforce, or maintain an ordinance, development
37 regulation, zoning regulation, or official control, policy, or

1 administrative practice which prohibits the use of a residential
2 dwelling, located in an area zoned for residential or commercial use,
3 as a family day-care provider's home facility.

4 A city may require that the facility: (1) Comply with all
5 building, fire, safety, health code, and business licensing
6 requirements; (2) conform to lot size, building size, setbacks, and lot
7 coverage standards applicable to the zoning district except if the
8 structure is a legal nonconforming structure; (3) is certified by the
9 state department of licensing as providing a safe passenger loading
10 area; (4) include signage, if any, that conforms to applicable
11 regulations; and (5) limit hours of operations to facilitate
12 neighborhood compatibility, while also providing appropriate
13 opportunity for persons who use family day-care and who work a
14 nonstandard work shift.

15 A city may also require that the family day-care provider, before
16 state licensing, require proof of written notification by the provider
17 that the immediately adjoining property owners have been informed of
18 the intent to locate and maintain such a facility. If a dispute arises
19 between neighbors and the family day-care provider over licensing
20 requirements, the licensor may provide a forum to resolve the dispute.

21 Nothing in this section shall be construed to prohibit a city from
22 imposing zoning conditions on the establishment and maintenance of a
23 family day-care provider's home in an area zoned for residential or
24 commercial use, so long as such conditions are no more restrictive than
25 conditions imposed on other residential dwellings in the same zone and
26 the establishment of such facilities is not precluded. As used in this
27 section, "family day-care provider" is as defined in RCW 74.15.020.

28 NEW SECTION. **Sec. 17.** A new section is added to chapter 36.70A
29 RCW to read as follows:

30 No city that plans or elects to plan under this chapter may enact,
31 enforce, or maintain an ordinance, development regulation, zoning
32 regulation, or official control, policy, or administrative practice
33 which prohibits the use of a residential dwelling, located in an area
34 zoned for residential or commercial use, as a family day-care
35 provider's home facility.

36 A city may require that the facility: (1) Comply with all
37 building, fire, safety, health code, and business licensing
38 requirements; (2) conform to lot size, building size, setbacks, and lot

1 coverage standards applicable to the zoning district except if the
2 structure is a legal nonconforming structure; (3) is certified by the
3 state department of licensing as providing a safe passenger loading
4 area; (4) include signage, if any, that conforms to applicable
5 regulations; and (5) limit hours of operations to facilitate
6 neighborhood compatibility, while also providing appropriate
7 opportunity for persons who use family day-care and who work a
8 nonstandard work shift.

9 A city may also require that the family day-care provider, before
10 state licensing, require proof of written notification by the provider
11 that the immediately adjoining property owners have been informed of
12 the intent to locate and maintain such a facility. If a dispute arises
13 between neighbors and the family day-care provider over licensing
14 requirements, the licensor may provide a forum to resolve the dispute.

15 Nothing in this section shall be construed to prohibit a city that
16 plans or elects to plan under this chapter from imposing zoning
17 conditions on the establishment and maintenance of a family day-care
18 provider's home in an area zoned for residential or commercial use, so
19 long as such conditions are no more restrictive than conditions imposed
20 on other residential dwellings in the same zone and the establishment
21 of such facilities is not precluded. As used in this section, "family
22 day-care provider" is as defined in RCW 74.15.020.

23 **Sec. 18.** RCW 42.24.180 and 1984 c 128 s 11 are each amended to
24 read as follows:

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

37 (1) The auditing officer and the officer designated to sign the
38 checks or warrants shall each be required to furnish an official bond

1 for the faithful discharge of his or her duties in an amount determined
2 by the legislative body but not less than fifty thousand dollars;

3 (2) The legislative body shall adopt contracting, hiring,
4 purchasing, and disbursing policies that implement effective internal
5 control;

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

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

18 **Sec. 19.** RCW 65.16.160 and 1977 c 34 s 4 are each amended to read
19 as follows:

20 (1) Whenever any county, city, or town is required by law to
21 publish legal notices containing the full text of any proposed or
22 adopted ordinance in a newspaper, the county, city, or town may publish
23 a summary of the ordinance which summary shall be approved by the
24 governing body and which shall include:

25 (a) The name of the county, city, or town;

26 (b) The formal identification or citation number of the ordinance;

27 (c) A descriptive title;

28 (d) A section-by-section summary;

29 (e) Any other information which the county, city, or town finds is
30 necessary to provide a complete summary; and

31 (f) A statement that the full text will be mailed upon request.

32 Publication of the title of an ordinance by a city or town
33 authorizing the issuance of bonds, notes, or other evidences of
34 indebtedness shall constitute publication of a complete summary of that
35 ordinance, and a section-by-section summary shall not be required.

36 (2) Subsection (1) of this section notwithstanding, whenever any
37 publication is made under this section and the proposed or adopted
38 ordinance contains provisions regarding taxation or penalties or

1 contains legal descriptions of real property, then the sections
2 containing this matter shall be published in full and shall not be
3 summarized. When a legal description of real property is involved, the
4 notice shall also include the street address or addresses of the
5 property described, if any. In the case of descriptions covering more
6 than one street address, the street addresses of the four corners of
7 the area described shall meet this requirement.

8 (3) The full text of any ordinance which is summarized by
9 publication under this section shall be mailed without charge to any
10 person who requests the text from the adopting county, city, or town.

11 **Sec. 20.** RCW 68.24.180 and 1984 c 7 s 369 are each amended to read
12 as follows:

13 After dedication under this title, and as long as the property
14 remains dedicated to cemetery purposes, a railroad, street, road,
15 alley, pipe line, pole line, or other public thoroughfare or utility
16 shall not be laid out, through, over, or across any part of it without
17 the consent of the cemetery authority owning and operating it, or of
18 not less than two-thirds of the owners of interment plots: PROVIDED
19 HOWEVER, That a city of under twenty thousand may initiate, prior to
20 January 1, 1995, an action to condemn cemetery property if the purpose
21 is to further improve an existing street, or other public improvement
22 and the proposed improvement does not interfere with existing interment
23 plots containing human remains. ((However, so long as the action is
24 commenced prior to March 31, 1961, the department of transportation may
25 condemn for state highway purposes for Primary State Highway No. 14 in
26 the vicinity of Gig Harbor land in any burial ground or cemetery in the
27 following cases:—(1) Where no organized or known authority is in
28 charge of any such cemetery, or (2) where the necessary consent cannot
29 be obtained and the court finds that considerations of highway safety
30 necessitate the taking of the land.— A judgment entered in the
31 condemnation proceedings shall require that before an entry is made on
32 the land condemned for state highway purposes, the state shall, at its
33 own expense, remove or cause to be removed from the land any bodies
34 buried therein and suitably reinter them elsewhere to the satisfaction
35 of relatives, if they can be found.))

36 **Sec. 21.** RCW 74.15.020 and 1991 c 128 s 14 are each amended to
37 read as follows:

1 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
2 otherwise clearly indicated by the context thereof, the following terms
3 shall mean:

4 (1) "Department" means the state department of social and health
5 services;

6 (2) "Secretary" means the secretary of social and health services;

7 (3) "Agency" means any person, firm, partnership, association,
8 corporation, or facility which receives children, expectant mothers, or
9 persons with developmental disabilities for control, care, or
10 maintenance outside their own homes, or which places, arranges the
11 placement of, or assists in the placement of children, expectant
12 mothers, or persons with developmental disabilities for foster care or
13 placement of children for adoption, and shall include the following
14 irrespective of whether there is compensation to the agency or to the
15 children, expectant mothers or persons with developmental disabilities
16 for services rendered:

17 (a) "Group-care facility" means an agency, other than a foster-
18 family home, which is maintained and operated for the care of a group
19 of children on a twenty-four hour basis;

20 (b) "Child-placing agency" means an agency which places a child or
21 children for temporary care, continued care, or for adoption;

22 (c) "Maternity service" means an agency which provides or arranges
23 for care or services to expectant mothers, before or during
24 confinement, or which provides care as needed to mothers and their
25 infants after confinement;

26 (d) "Day-care center" means an agency which regularly provides care
27 for a group of children for periods of less than twenty-four hours;

28 (e) "Family day-care provider" means a licensed day-care provider
29 who regularly provides day care for not more than twelve children in
30 the provider's home in the family living quarters;

31 (f) "Foster-family home" means an agency which regularly provides
32 care on a twenty-four hour basis to one or more children, expectant
33 mothers, or persons with developmental disabilities in the family abode
34 of the person or persons under whose direct care and supervision the
35 child, expectant mother, or person with a developmental disability is
36 placed;

37 ((+f)) (g) "Crisis residential center" means an agency which is a
38 temporary protective residential facility operated to perform the

1 duties specified in chapter 13.32A RCW, in the manner provided in RCW
2 74.13.032 through 74.13.036.

3 (4) "Agency" shall not include the following:

4 (a) Persons related by blood or marriage to the child, expectant
5 mother, or persons with developmental disabilities in the following
6 degrees: Parent, grandparent, brother, sister, stepparent,
7 stepbrother, stepsister, uncle, aunt, and/or first cousin;

8 (b) Persons who are legal guardians of the child, expectant mother,
9 or persons with developmental disabilities;

10 (c) Persons who care for a neighbor's or friend's child or
11 children, with or without compensation, where the person does not
12 engage in such activity on a regular basis, or where parents on a
13 mutually cooperative basis exchange care of one another's children, or
14 persons who have the care of an exchange student in their own home;

15 (d) A person, partnership, corporation, or other entity that
16 provides placement or similar services to exchange students or
17 international student exchange visitors;

18 (e) Nursery schools or kindergartens which are engaged primarily in
19 educational work with preschool children and in which no child is
20 enrolled on a regular basis for more than four hours per day;

21 (f) Schools, including boarding schools, which are engaged
22 primarily in education, operate on a definite school year schedule,
23 follow a stated academic curriculum, accept only school-age children
24 and do not accept custody of children;

25 (g) Seasonal camps of three months' or less duration engaged
26 primarily in recreational or educational activities;

27 (h) Hospitals licensed pursuant to chapter 70.41 RCW when
28 performing functions defined in chapter 70.41 RCW, nursing homes
29 licensed under chapter 18.51 RCW and boarding homes licensed under
30 chapter 18.20 RCW;

31 (i) Licensed physicians or lawyers;

32 (j) Facilities providing care to children for periods of less than
33 twenty-four hours whose parents remain on the premises to participate
34 in activities other than employment;

35 (k) Facilities approved and certified under chapter 71A.22 RCW;

36 (l) Any agency having been in operation in this state ten years
37 prior to June 8, 1967, and not seeking or accepting moneys or
38 assistance from any state or federal agency, and is supported in part
39 by an endowment or trust fund;

1 (m) Persons who have a child in their home for purposes of
2 adoption, if the child was placed in such home by a licensed child-
3 placing agency, an authorized public or tribal agency or court or if a
4 replacement report has been filed under chapter 26.33 RCW and the
5 placement has been approved by the court;

6 (n) An agency operated by any unit of local, state, or federal
7 government or an agency, located within the boundaries of a federally
8 recognized Indian reservation, licensed by the Indian tribe;

9 (o) An agency located on a federal military reservation, except
10 where the military authorities request that such agency be subject to
11 the licensing requirements of this chapter.

12 (5) "Requirement" means any rule, regulation or standard of care to
13 be maintained by an agency.

14 **Sec. 22.** RCW 82.14.330 and 1993 sp.s. c 21 s 3 are each amended to
15 read as follows:

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

19 (a) Twenty percent appropriated for distribution shall be
20 distributed to cities with a three-year average violent crime rate for
21 each one thousand in population in excess of one hundred fifty percent
22 of the state-wide three-year average violent crime rate for each one
23 thousand in population. The three-year average violent crime rate
24 shall be calculated using the violent crime rates for each of the
25 preceding three years from the annual reports on crime in Washington
26 state as published by the Washington association of sheriffs and police
27 chiefs. Moneys shall be distributed under this subsection (1)(a)
28 ratably based on population as last determined by the office of
29 financial management, but no city may receive more than one dollar per
30 capita. Moneys remaining undistributed under this subsection at the
31 end of each calendar year shall be distributed to the criminal justice
32 training commission to reimburse participating city law enforcement
33 agencies with ten or fewer full-time commissioned patrol officers the
34 cost of temporary replacement of each officer who is enrolled in basic
35 law enforcement training, as provided in RCW 43.101.200.

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

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

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

19 (2) In addition to the distributions under subsection (1) of this
20 section:

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

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

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

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

37 Moneys distributed under this subsection shall be distributed to
38 those cities that submit funding requests under this subsection to the
39 department of community, trade, and economic development based on

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

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

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

29 (3) Notwithstanding other provisions of this section, the
30 distributions to any city that substantially decriminalizes or repeals
31 its criminal code after July 1, 1990, and that does not reimburse the
32 county for costs associated with criminal cases under RCW 3.50.800 or
33 3.50.805(2), shall be made to the county in which the city is located.

34 **Sec. 23.** RCW 41.16.050 and 1986 c 296 s 3 are each amended to read
35 as follows:

36 There is hereby created and established in the treasury of each
37 municipality a fund which shall be known and designated as the
38 firemen's pension fund, which shall consist of: (1) All bequests,

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

34 NEW SECTION. Sec. 24. Section 22 of this act is necessary for the
35 immediate preservation of the public peace, health, or safety, or
36 support of the state government and its existing public institutions,
37 and shall take effect immediately."

1 **ESB 6025** - CONF REPT
2 By Conference Committee

ADOPTED 3/10/94

3
4 On page 1, line 1 of the title, after "towns;" strike the remainder
5 of the title and insert "amending RCW 35.16.010, 35.16.020, 35.16.030,
6 35.16.040, 35.16.050, 35.22.288, 35.23.310, 35.23.352, 35.24.220,
7 35.27.010, 35.27.300, 35.30.018, 35A.12.160, 42.24.180, 65.16.160,
8 68.24.180, 74.15.020, 82.14.330, and 41.16.050; adding a new section to
9 chapter 35.16 RCW; adding a new section to chapter 35.63 RCW; adding a
10 new section to chapter 35A.63 RCW; adding a new section to chapter
11 36.70A RCW; and declaring an emergency."

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