
SENATE BILL 6530

State of Washington

54th Legislature

1996 Regular Session

By Senators Haugen and Winsley

Read first time 01/17/96. Referred to Committee on Government Operations.

1 AN ACT Relating to counties; amending RCW 2.28.139, 36.70.040,
2 36.87.030, 36.87.040, 41.14.080, 70.48.100, and 70.95I.040; and
3 reenacting and amending RCW 36.81.121 and 36.88.010.

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

5 **Sec. 1.** RCW 2.28.139 and Code 1881 s 2111 are each amended to read
6 as follows:

7 The county in which the court is held shall furnish the court
8 house, a jail or suitable place for confining prisoners, books for
9 record, stationery, lights, (~~wood, attendance~~) and other incidental
10 expenses of the court house and court which are not paid by the United
11 States.

12 **Sec. 2.** RCW 36.70.040 and 1963 c 4 s 36.70.040 are each amended to
13 read as follows:

14 (1) By ordinance a board may, as an alternative to and in lieu of
15 the creation of a planning commission as provided in RCW 36.70.030,
16 create a planning department which shall be organized and function as
17 any other department of the county. When such department is created,
18 the board shall also create a planning commission which shall assist

1 the planning department in carrying out its duties, including
2 assistance in the preparation and execution of the comprehensive plan
3 and recommendations to the department for the adoption of official
4 controls and/or amendments thereto. To this end, the planning
5 commission shall conduct such hearings as are required by this chapter
6 and shall make findings and conclusions therefrom which shall be
7 transmitted to the department which shall transmit the same on to the
8 board with such comments and recommendations it deems necessary.

9 (2) As an alternative to the requirement of creating a planning
10 commission, a county planning under chapter 36.70A RCW may establish an
11 alternative method of soliciting assistance from the public in the
12 preparation and execution of a comprehensive plan and its implementing
13 rules consistent with RCW 36.70A.140.

14 **Sec. 3.** RCW 36.81.121 and 1994 c 179 s 2 and 1994 c 158 s 8 are
15 each reenacted and amended to read as follows:

16 (1) Before (~~July 1st of~~) the adoption of the budget each year,
17 the legislative authority of each county, after one or more public
18 hearings thereon, shall prepare and adopt a comprehensive
19 transportation program for the ensuing six calendar years. If the
20 county has adopted a comprehensive plan pursuant to chapter 35.63 or
21 36.70 RCW, the inherent authority of a charter county derived from its
22 charter, or chapter 36.70A RCW, the program shall be consistent with
23 this comprehensive plan.

24 The program shall include proposed road and bridge construction
25 work and other transportation facilities and programs deemed
26 appropriate, and for those counties operating ferries shall also
27 include a separate section showing proposed capital expenditures for
28 ferries, docks, and related facilities. Copies of the program shall be
29 filed with the county road administration board and with the state
30 secretary of transportation not more than thirty days after its
31 adoption by the legislative authority. The purpose of this section is
32 to assure that each county shall perpetually have available advanced
33 plans looking to the future for not less than six years as a guide in
34 carrying out a coordinated transportation program. The program may at
35 any time be revised by a majority of the legislative authority but only
36 after a public hearing thereon.

37 (2) Each six-year transportation program forwarded to the secretary
38 in compliance with subsection (1) of this section shall contain

1 information as to how a county will expend its moneys, including funds
2 made available pursuant to chapter 47.30 RCW, for nonmotorized
3 transportation purposes.

4 (3) Each six-year transportation program forwarded to the secretary
5 in compliance with subsection (1) of this section shall contain
6 information as to how a county shall act to preserve railroad right-of-
7 way in the event the railroad ceases to operate in the county's
8 jurisdiction.

9 (4) The six-year plan for each county shall specifically set forth
10 those projects and programs of regional significance for inclusion in
11 the transportation improvement program within that region.

12 **Sec. 4.** RCW 36.87.030 and 1963 c 4 s 36.87.030 are each amended to
13 read as follows:

14 On the filing of the petition and bond (~~(and on being satisfied~~
15 ~~that))~~ the county road engineer shall determine whether the petition
16 satisfies RCW 36.87.020 and whether the petition has been signed by
17 petitioners residing in the vicinity of the county road or portion
18 thereof(, the board shall direct the county road engineer to report
19 upon such vacation and abandonment)). Upon making a finding that the
20 petition is satisfactory, the county road engineer shall prepare an
21 engineering report in accordance with RCW 36.87.040 and submit the
22 report to the county legislative authority. Upon receipt of a
23 satisfactory petition and the county road engineer's report, the
24 county legislative authority shall hold a public hearing in accordance
25 with RCW 36.87.050 and 36.87.060.

26 **Sec. 5.** RCW 36.87.040 and 1963 c 4 s 36.87.040 are each amended to
27 read as follows:

28 (~~When directed by the board))~~ The county road engineer shall
29 examine any county road or portion thereof proposed to be vacated and
30 abandoned and report his opinion as to whether the county road should
31 be vacated and abandoned, whether the same is in use or has been in
32 use, the condition of the road, whether it will be advisable to
33 preserve it for the county road system in the future, whether the
34 public will be benefited by the vacation and abandonment, and all other
35 facts, matters, and things which will be of importance to the board,
36 and also file his cost bill.

1 **Sec. 6.** RCW 36.88.010 and 1985 c 400 s 3 and 1983 c 369 s 7 are
2 each reenacted and amended to read as follows:

3 All counties have the power to create county road improvement
4 districts for the acquisition of rights of way and improvement of
5 county road((s)) systems, existing private roads that will become
6 county roads as a result of this improvement district process and, with
7 the approval of the state department of transportation, state highways;
8 for the construction or improvement of necessary drainage facilities,
9 bulkheads, retaining walls, and other appurtenances therefor, bridges,
10 culverts, sidewalks, curbs and gutters, escalators, or moving
11 sidewalks; and for the draining or filling of drainage potholes or
12 swamps. Such counties have the power to levy and collect special
13 assessments against the real property specially benefited thereby for
14 the purpose of paying the whole or any part of the cost of such
15 acquisition of rights of way, construction, or improvement.

16 **Sec. 7.** RCW 41.14.080 and 1980 c 108 s 1 are each amended to read
17 as follows:

18 All appointments to and promotions to positions in the classified
19 civil service of the office of county sheriff shall be made solely on
20 merit, efficiency, and fitness, which shall be ascertained by open
21 competitive examination and impartial investigation(~~(:—PROVIDED, That~~
22 ~~before June 30, 1981,)~~). However, employees in an existing county
23 personnel system in which appointments have been made on merit may be
24 transferred to newly created and classified positions within such
25 county's sheriff's office, in order to permanently transfer the
26 functions of these positions, without meeting the open competitive
27 examination requirements of this section if the transfer is approved by
28 the civil service commission created in RCW 41.14.030, and the persons
29 to be transferred shall satisfy the specific appointment requirements
30 of such sheriff's office. No person in the classified civil service
31 shall be reinstated in or transferred, suspended, or discharged from
32 any such place, position, or employment contrary to the provisions of
33 this chapter.

34 **Sec. 8.** RCW 70.48.100 and 1990 c 3 s 130 are each amended to read
35 as follows:

36 (1) A department of corrections or chief law enforcement officer
37 responsible for the operation of a jail shall maintain a jail register

1 which can be kept electronically, open to the public, into which shall
2 be entered in a timely basis:

3 (a) The name of each person confined in the jail with the hour,
4 date and cause of the confinement; and

5 (b) The hour, date and manner of each person's discharge.

6 (2) Except as provided in subsection (3) of this section the
7 records of a person confined in jail shall be held in confidence and
8 shall be made available only to criminal justice agencies as defined in
9 RCW 43.43.705; or

10 (~~(a)~~) (~~For use in inspections made pursuant to RCW 70.48.070;~~
11 ~~(b)~~) In jail certification proceedings;

12 (~~(e)~~) (b) For use in court proceedings upon the written order of
13 the court in which the proceedings are conducted; or

14 (~~(d)~~) (c) Upon the written permission of the person.

15 (3)(a) Law enforcement may use booking photographs of a person
16 arrested or confined in a local or state penal institution to assist
17 them in conducting investigations of crimes.

18 (b) Photographs and information concerning a person convicted of a
19 sex offense as defined in RCW 9.94A.030 may be disseminated as provided
20 in RCW 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 43.43.745,
21 46.20.187, 70.48.470, 72.09.330, and section 401, chapter 3, Laws of
22 1990.

23 **Sec. 9.** RCW 70.95I.040 and 1991 c 319 s 305 are each amended to
24 read as follows:

25 (1) A person annually selling one thousand or more gallons of
26 lubricating oil to ultimate consumers for use or installation off the
27 premises, or five hundred or more vehicle oil filters to ultimate
28 consumers for use or installation off the premises within a city or
29 county having an approved used oil recycling element, shall:

30 (a) Post and maintain at or near the point of sale, durable and
31 legible signs informing the public of the importance of used oil
32 recycling and how and where used oil may be properly recycled; and

33 (b) Provide for sale at or near the display location of the
34 lubricating oil or vehicle oil filters, household used oil recycling
35 containers. The department shall design and print the signs required
36 by this section, and shall make them available to local governments and
37 retail outlets.

1 (2) A person, who, after notice, violates this section is guilty of
2 a misdemeanor and on conviction is subject to a fine not to exceed one
3 thousand dollars.

4 (3) The department is responsible for notifying retailers subject
5 to this section.

6 (4) A city or county may adopt household used oil recycling
7 container standards in order to ensure compatibility with local
8 recycling programs.

9 (5) Each local government preparing a used oil recycling element of
10 a local hazardous waste plan pursuant to RCW 70.95I.020 shall ((adopt
11 ordinances)) work within its jurisdiction to ((enforce)) ensure
12 compliance with subsections (1) and (4) of this section.

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