
SUBSTITUTE SENATE BILL 6530

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Haugen and Winsley)

Read first time 02/02/96.

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, 70.95I.040, 84.48.028, and
3 84.48.032; reenacting and amending RCW 36.81.121 and 36.88.010; and
4 adding a new section to chapter 36.115 RCW.

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

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

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

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

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

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

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

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

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

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

1 (2) Each six-year transportation program forwarded to the secretary
2 in compliance with subsection (1) of this section shall contain
3 information as to how a county will expend its moneys, including funds
4 made available pursuant to chapter 47.30 RCW, for nonmotorized
5 transportation purposes.

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

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

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

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

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

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

1 facts, matters, and things which will be of importance to the board,
2 and also file his cost bill.

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

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

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

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

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

3 (1) A department of corrections or chief law enforcement officer
4 responsible for the operation of a jail shall maintain a jail register
5 which can be kept electronically, open to the public, into which shall
6 be entered in a timely basis:

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

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

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

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

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

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

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

22 (b) Photographs and information concerning a person convicted of a
23 sex offense as defined in RCW 9.94A.030 may be disseminated as provided
24 in RCW 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 43.43.745,
25 46.20.187, 70.48.470, 72.09.330, and section 401, chapter 3, Laws of
26 1990.

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

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

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

37 (b) Provide for sale at or near the display location of the
38 lubricating oil or vehicle oil filters, household used oil recycling

1 containers. The department shall design and print the signs required
2 by this section, and shall make them available to local governments and
3 retail outlets.

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

7 (3) The department is responsible for notifying retailers subject
8 to this section.

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

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

16 NEW SECTION. Sec. 10. A new section is added to chapter 36.115
17 RCW to read as follows:

18 (1) There is hereby created a commission on county services and
19 sources, referred to in this section and section 11 of this act as "the
20 commission."

21 (2) The commission shall consist of voting members appointed as
22 follows:

23 (a) Four members of the state legislature, two appointed by the
24 speaker of the house of representatives, two appointed by the president
25 of the senate, one from each caucus of the respective house;

26 (b) Two members from the office of financial management and the
27 department of community, trade, and economic development;

28 (c) Four members from the Washington state association of counties,
29 appointed jointly by the speaker of the house of representatives and
30 the president of the senate;

31 (d) Two members from the association of Washington cities,
32 appointed jointly by the speaker of the house of representatives and
33 the president of the senate;

34 (e) One member from the Washington state association of sewer and
35 water districts, appointed jointly by the speaker of the house of
36 representatives and the president of the senate;

1 (f) One member from the Washington state fire commissioners
2 association, appointed jointly by the speaker of the house of
3 representatives and the president of the senate; and

4 (g) The lieutenant governor, who shall serve as chair of the
5 commission.

6 (3) Staff for the commission shall be provided by the finance
7 committees of the house of representatives and the senate, the office
8 of financial management, the department of revenue, and the Washington
9 state association of counties. Other state agencies and local
10 governments shall provide assistance as needed.

11 **Sec. 11.** RCW 84.48.028 and 1994 c 124 s 28 are each amended to
12 read as follows:

13 The (~~board~~) county legislative authority may appoint a clerk of
14 the board and any assistants the board might need, all to serve at the
15 pleasure of the (~~members of the board~~) county legislative authority,
16 and the clerk or assistant shall attend all sessions (~~thereof~~) of the
17 county board of equalization, and shall keep the record. Neither the
18 assessor nor any of the assessor's staff may serve as clerk.

19 **Sec. 12.** RCW 84.48.032 and 1994 c 124 s 29 are each amended to
20 read as follows:

21 The (~~board~~) county legislative authority may hire one or more
22 appraisers accredited by the department of revenue or certified by the
23 Washington state department of licensing, society of real estate
24 appraisers, American institute of real estate appraisers, or
25 international association of assessing officers, and not otherwise
26 employed by the county, and other necessary personnel for the purpose
27 of aiding the board and carrying out its functions and duties. In
28 addition, the boards of the various counties may make reciprocal
29 arrangements for the exchange of the appraisers with other counties.
30 Such appraisers need not be residents of the county.

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