

SHB 1601 - H AMD 283

By Representative Anderson

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature intends to relieve cities
4 and counties of certain requirements imposed by the state by revising
5 these duties or making the duties optional rather than mandatory.

6 **Sec. 2.** RCW 35.22.620 and 2009 c 229 s 3 are each amended to read
7 as follows:

8 CITIES: PUBLIC WORKS REPORTING TO THE STATE AUDITOR. (1) As used
9 in this section, the term "public works" means as defined in RCW
10 39.04.010.

11 (2) A first-class city may have public works performed by contract
12 pursuant to public notice and call for competitive bids. As limited by
13 subsection (3) of this section, a first-class city may have public
14 works performed by city employees in any annual or biennial budget
15 period equal to a dollar value not exceeding ten percent of the public
16 works construction budget, including any amount in a supplemental
17 public works construction budget, over the budget period. The amount
18 of public works that a first-class city has a county perform for it
19 under RCW 35.77.020 shall be included within this ten percent
20 limitation.

21 If a first-class city has public works performed by public
22 employees in any budget period that are in excess of this ten percent
23 limitation, the amount in excess of the permitted amount shall be
24 reduced from the otherwise permitted amount of public works that may be
25 performed by public employees for that city in its next budget period.
26 Twenty percent of the motor vehicle fuel tax distributions to that city
27 shall be withheld if two years after the year in which the excess
28 amount of work occurred, the city has failed to so reduce the amount of
29 public works that it has performed by public employees. The amount so

1 withheld shall be distributed to the city when it has demonstrated in
2 its reports to the state auditor that the amount of public works it has
3 performed by public employees has been so reduced.

4 Whenever a first-class city has had public works performed in any
5 budget period up to the maximum permitted amount for that budget
6 period, all remaining public works within that budget period shall be
7 done by contract pursuant to public notice and call for competitive
8 bids.

9 The state auditor shall report to the state treasurer any
10 first-class city that exceeds this amount and the extent to which the
11 city has or has not reduced the amount of public works it has performed
12 by public employees in subsequent years.

13 (3) In addition to the percentage limitation provided in subsection
14 (2) of this section, a first-class city shall not have public employees
15 perform a public works project in excess of ninety thousand dollars if
16 more than a single craft or trade is involved with the public works
17 project, or a public works project in excess of forty-five thousand
18 dollars if only a single craft or trade is involved with the public
19 works project or the public works project is street signalization or
20 street lighting. A public works project means a complete project. The
21 restrictions in this subsection do not permit the division of the
22 project into units of work or classes of work to avoid the restriction
23 on work that may be performed by day labor on a single project.

24 (4) In addition to the accounting and record-keeping requirements
25 contained in RCW 39.04.070, every first-class city annually (~~shall~~)
26 may prepare a report for the state auditor indicating the total public
27 works construction budget and supplemental public works construction
28 budget for that year, the total construction costs of public works
29 performed by public employees for that year, and the amount of public
30 works that is performed by public employees above or below ten percent
31 of the total construction budget. However, if a city budgets on a
32 biennial basis, this annual report (~~shall~~) may indicate the amount of
33 public works that is performed by public employees within the current
34 biennial period that is above or below ten percent of the total
35 biennial construction budget.

36 Each first-class city with a population of one hundred fifty
37 thousand or less (~~shall~~) may use the form required by RCW 43.09.205

1 to account and record costs of public works in excess of five thousand
2 dollars that are not let by contract.

3 (5) The cost of a separate public works project shall be the costs
4 of materials, supplies, equipment, and labor on the construction of
5 that project. The value of the public works budget shall be the value
6 of all the separate public works projects within the budget.

7 (6) The competitive bidding requirements of this section may be
8 waived by the city legislative authority pursuant to RCW 39.04.280 if
9 an exemption contained within that section applies to the work or
10 contract.

11 (7) In lieu of the procedures of subsections (2) and (6) of this
12 section, a first-class city may let contracts using the small works
13 roster process in RCW 39.04.155.

14 Whenever possible, the city shall invite at least one proposal from
15 a minority or woman contractor who shall otherwise qualify under this
16 section.

17 (8) The allocation of public works projects to be performed by city
18 employees shall not be subject to a collective bargaining agreement.

19 (9) This section does not apply to performance-based contracts, as
20 defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A
21 RCW.

22 (10) Nothing in this section shall prohibit any first-class city
23 from allowing for preferential purchase of products made from recycled
24 materials or products that may be recycled or reused.

25 **Sec. 3.** RCW 36.27.020 and 1995 c 194 s 4 are each amended to read
26 as follows:

27 COUNTIES: REPORT FROM PROSECUTORS TO GOVERNOR AND LIQUOR CONTROL
28 BOARD. The prosecuting attorney shall:

29 (1) Be legal adviser of the legislative authority, giving (~~them~~
30 ~~it~~) it his or her written opinion when required by the legislative
31 authority or the chairperson thereof touching any subject which the
32 legislative authority may be called or required to act upon relating to
33 the management of county affairs;

34 (2) Be legal adviser to all county and precinct officers and school
35 directors in all matters relating to their official business, and when
36 required draw up all instruments of an official nature for the use of
37 said officers;

1 (3) Appear for and represent the state, county, and all school
2 districts subject to the supervisory control and direction of the
3 attorney general in all criminal and civil proceedings in which the
4 state or the county or any school district in the county may be a
5 party;

6 (4) Prosecute all criminal and civil actions in which the state or
7 the county may be a party, defend all suits brought against the state
8 or the county, and prosecute actions upon forfeited recognizances and
9 bonds and actions for the recovery of debts, fines, penalties, and
10 forfeitures accruing to the state or the county;

11 (5) Attend and appear before and give advice to the grand jury when
12 cases are presented to it for consideration and draw all indictments
13 when required by the grand jury;

14 (6) Institute and prosecute proceedings before magistrates for the
15 arrest of persons charged with or reasonably suspected of felonies when
16 the prosecuting attorney has information that any such offense has been
17 committed and the prosecuting attorney shall for that purpose attend
18 when required by them if the prosecuting attorney is not then in
19 attendance upon the superior court;

20 (7) Carefully tax all cost bills in criminal cases and take care
21 that no useless witness fees are taxed as part of the costs and that
22 the officers authorized to execute process tax no other or greater fees
23 than the fees allowed by law;

24 (8) Receive all cost bills in criminal cases before district judges
25 at the trial of which the prosecuting attorney was not present, before
26 they are lodged with the legislative authority for payment, whereupon
27 the prosecuting attorney may retax the same and the prosecuting
28 attorney must do so if the legislative authority deems any bill
29 exorbitant or improperly taxed;

30 (9) Present all violations of the election laws which may come to
31 the prosecuting attorney's knowledge to the special consideration of
32 the proper jury;

33 (10) Examine once in each year the official bonds of all county and
34 precinct officers and report to the legislative authority any defect in
35 the bonds of any such officer;

36 (11) (~~Make an annual report to the governor as of the 31st of~~
37 ~~December of each year setting forth the amount and nature of business~~

1 ~~transacted by the prosecuting attorney in that year with such other~~
2 ~~statements and suggestions as the prosecuting attorney may deem useful;~~

3 ~~(12) Send to the state liquor control board at the end of each year~~
4 ~~a written report of all prosecutions brought under the state liquor~~
5 ~~laws in the county during the preceding year, showing in each case, the~~
6 ~~date of trial, name of accused, nature of charges, disposition of case,~~
7 ~~and the name of the judge presiding;~~

8 ~~(13))~~ Seek to reform and improve the administration of criminal
9 justice and stimulate efforts to remedy inadequacies or injustice in
10 substantive or procedural law.

11 **Sec. 4.** RCW 36.34.010 and 1963 c 4 s 36.34.010 are each amended to
12 read as follows:

13 COUNTIES: SURPLUS PROPERTY VALUED AT LESS THAN FIVE HUNDRED
14 DOLLARS. Whenever it appears to the board of county commissioners that
15 it is for the best interests of the county and the taxing districts and
16 the people thereof that any part or parcel, or portion of such part or
17 parcel, of property, whether real, personal, or mixed, belonging to the
18 county, including tax title land, should be sold, the board shall sell
19 and convey such property, under the limitations and restrictions and in
20 the manner hereinafter provided.

21 The provisions of this chapter do not apply to county surplus
22 property valued at less than five hundred dollars. County surplus
23 property valued at less than five hundred dollars may be disposed of or
24 recycled.

25 In making such sales the board of county commissioners may sell any
26 timber, mineral, or other resources on any land owned by the county
27 separate and apart from the land in the same manner and upon the same
28 terms and conditions as provided in this chapter for the sale of real
29 property.

30 The board of county commissioners may reserve mineral rights in
31 such land and, if such reservation is made, any conveyance of the land
32 shall contain the following reservation:

33 "The party of the first part hereby expressly saves, excepts, and
34 reserves out of the grant hereby made, unto itself, its successors, and
35 assigns, forever, all oils, gases, coals, ores, minerals, gravel,
36 timber, and fossils of every name, kind, or description, and which may
37 be in or upon said lands above described; or any part thereof, and the

1 right to explore the same for such oils, gases, coals, ores, minerals,
2 gravel, timber and fossils; and it also hereby expressly saves and
3 reserves out of the grant hereby made, unto itself, its successors, and
4 assigns, forever, the right to enter by itself, its agents, attorneys,
5 and servants upon said lands, or any part or parts thereof, at any and
6 all times, for the purpose of opening, developing, and working mines
7 thereon, and taking out and removing therefrom all such oils, gases,
8 coal, ores, minerals, gravel, timber, and fossils, and to that end it
9 further expressly reserves out of the grant hereby made, unto itself,
10 its successors, and assigns, forever, the right by it or its agents,
11 servants, and attorneys at any and all times to erect, construct,
12 maintain, and use all such buildings, machinery, roads and railroads,
13 sink such shafts, remove such oil, and to remain on said lands or any
14 part thereof, for the business of mining and to occupy as much of said
15 lands as may be necessary or convenient for the successful prosecution
16 of such mining business, hereby expressly reserving to itself, its
17 successors, and assigns, as aforesaid, generally, all rights and powers
18 in, to, and over said land, whether herein expressed or not, reasonably
19 necessary or convenient to render beneficial and efficient the complete
20 enjoyment of the property and the rights hereby expressly reserved."

21 No rights shall be exercised under the foregoing reservation until
22 provision has been made to pay to the owner of the land upon which the
23 rights reserved are sought to be exercised, full payment for all
24 damages sustained by reason of entering upon the land: PROVIDED, That
25 if the owner for any cause refuses or neglects to settle the damages,
26 the county, its successors, or assigns, or any applicant for a lease or
27 contract from the county for the purpose of prospecting for or mining
28 valuable minerals, or operation contract, or lease, for mining coal, or
29 lease for extracting petroleum or natural gas, shall have the right to
30 institute such legal proceedings in the superior court of the county
31 wherein the land is situated, as may be necessary to determine the
32 damages which the owner of the land may suffer. Any of the reserved
33 minerals or other resources not exceeding two hundred dollars in value
34 may be sold, when the board deems it advisable, either with or without
35 publication of notice of sale, and in such manner as the board may
36 determine will be most beneficial to the county.

1 **Sec. 5.** RCW 39.44.210 and 1995 c 399 s 54 are each amended to read
2 as follows:

3 LOCAL GOVERNMENTS: REPORT TO DEPARTMENT OF COMMERCE ON BONDS. For
4 each state or local government bond issued, the underwriter of the
5 issue shall supply the department of (~~community, trade, and economic~~
6 ~~development~~) commerce with information on the bond issue within twenty
7 days of its issuance. In cases where the issuer of the bond makes a
8 direct or private sale to a purchaser without benefit of an
9 underwriter, the issuer shall supply the required information. The
10 bond issue information shall be provided on a form prescribed by the
11 department of (~~community, trade, and economic development~~) commerce
12 and shall include but is not limited to: (1) The par value of the bond
13 issue; (2) the effective interest rates; (3) a schedule of maturities;
14 (4) the purposes of the bond issue; (5) cost of issuance information;
15 and (6) the type of bonds that are issued. A copy of the bond
16 covenants shall be supplied with this information.

17 For each state or local government bond issued, the issuer's bond
18 counsel promptly shall provide to the underwriter or to the department
19 of (~~community, trade, and economic development~~) commerce information
20 on the amount of any fees charged for services rendered with regard to
21 the bond issue.

22 Each local government that issues any type of bond (~~shall~~) may
23 make a report annually to the department of (~~community, trade, and~~
24 ~~economic development~~) commerce that includes a summary of all the
25 outstanding bonds of the local government as of the first day of
26 January in that year. Such report (~~shall~~) may distinguish the
27 outstanding bond issues on the basis of the type of bond, as defined in
28 RCW 39.44.200, and (~~shall~~) may report the local government's
29 outstanding indebtedness compared to any applicable limitations on
30 indebtedness, including RCW 35.42.200, 39.30.010, and 39.36.020.

31 **Sec. 6.** RCW 84.14.100 and 2007 c 430 s 10 are each amended to read
32 as follows:

33 CITIES: MULTIFAMILY PROPERTY TAX EXEMPTION REPORTING. (1) Thirty
34 days after the anniversary of the date of the certificate of tax
35 exemption and each year for the tax exemption period, the owner of the
36 rehabilitated or newly constructed property shall file with a

1 designated authorized representative of the city an annual report
2 indicating the following:

3 (a) A statement of occupancy and vacancy of the rehabilitated or
4 newly constructed property during the twelve months ending with the
5 anniversary date;

6 (b) A certification by the owner that the property has not changed
7 use and, if applicable, that the property has been in compliance with
8 the affordable housing requirements as described in RCW 84.14.020 since
9 the date of the certificate approved by the city;

10 (c) A description of changes or improvements constructed after
11 issuance of the certificate of tax exemption; and

12 (d) Any additional information requested by the city in regards to
13 the units receiving a tax exemption.

14 (2) All cities, which issue certificates of tax exemption for
15 multiunit housing that conform to the requirements of this chapter,
16 (~~shall~~) may report annually by December 31st of each year, beginning
17 in 2007, to the department of (~~community, trade, and economic~~
18 ~~development~~) commerce. The report (~~must~~) may include the following
19 information:

20 (a) The number of tax exemption certificates granted;

21 (b) The total number and type of units produced or to be produced;

22 (c) The number and type of units produced or to be produced meeting
23 affordable housing requirements;

24 (d) The actual development cost of each unit produced;

25 (e) The total monthly rent or total sale amount of each unit
26 produced;

27 (f) The income of each renter household at the time of initial
28 occupancy and the income of each initial purchaser of owner-occupied
29 units at the time of purchase for each of the units receiving a tax
30 exemption and a summary of these figures for the city; and

31 (g) The value of the tax exemption for each project receiving a tax
32 exemption and the total value of tax exemptions granted.

33 **Sec. 7.** RCW 84.40.175 and 1994 c 124 s 24 are each amended to read
34 as follows:

35 COUNTIES: VALUATION OF TAX-EXEMPT PUBLIC PROPERTY. At the time of
36 making the assessment of real property, the assessor shall enter each
37 description of property exempt under the provisions of chapter 84.36

1 RCW, and (~~value and~~) list the same in the manner and subject to the
2 same rule as the assessor is required to assess all other property,
3 designating in each case to whom such property belongs. Except as
4 otherwise provided in law, the assessor is not required to value
5 property exempt under the provisions of RCW 84.36.010. However, with
6 respect to publicly owned property exempt from taxation under
7 provisions of RCW 84.36.010, the assessor shall value only such
8 property as is leased to or occupied by a private person under an
9 agreement allowing such person to occupy or use such property for a
10 private purpose when a request for such valuation is received from the
11 department of revenue or the lessee of such property for use in
12 determining the taxable rent as provided for in chapter 82.29A RCW:
13 PROVIDED FURTHER, That this section shall not prohibit any assessor
14 from valuing any public property leased to or occupied by a private
15 person for private purposes.

16 NEW SECTION. Sec. 8. REPEALERS. The following acts or parts of
17 acts are each repealed:

18 (1) RCW 36.32.210 (Inventory of county capitalized assets--County
19 commission inventory statement--Filing and public inspection--Penalty--
20 Prosecutions--Taxpayer's action) and 2003 c 53 s 204, 1997 c 245 s 3,
21 1995 c 194 s 5, 1969 ex.s. c 182 s 2, 1963 c 108 s 1, & 1963 c 4 s
22 36.32.210; and

23 (2) RCW 43.19.691 (Municipalities--Energy audits and efficiency)
24 and 2005 c 299 s 5.

25 NEW SECTION. Sec. 9. If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected."

29 Correct the title.

EFFECT: Strikes the underlying bill. Removes specified state-
imposed requirements of local governments pertaining to reports,
valuation, inventories, and surplus property valued at less than five

hundred dollars.

--- END ---