

2 **ESB 6025 - H COMM AMD ADOPTED 3-4-94**  
3 By Committee on Local Government

4

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 35.27.010 and 1965 c 7 s 35.27.010 are each amended to  
17 read as follows:

18 Every municipal corporation of the fourth class shall be entitled  
19 the "Town of . . . . . ." (naming it), and by such name shall  
20 have perpetual succession, may sue, and be sued in all courts and  
21 places, and in all proceedings whatever; shall have and use a common  
22 seal, alterable at the pleasure of the town authorities, and may  
23 purchase, lease, receive, hold, and enjoy real and personal property  
24 and control (~~and~~), lease, sublease, convey, or otherwise dispose of  
25 the same for the common benefit.

26 **Sec. 8.** RCW 42.24.180 and 1984 c 128 s 11 are each amended to read  
27 as follows:

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

1 has reviewed the supporting documentation and approved the issue of  
2 checks or warrants in payment of those claims. However, all of the  
3 following conditions shall be met before the payment:

4 (1) The auditing officer and the officer designated to sign the  
5 checks or warrants shall each be required to furnish an official bond  
6 for the faithful discharge of his or her duties in an amount determined  
7 by the legislative body but not less than fifty thousand dollars;

8 (2) The legislative body shall adopt contracting, hiring,  
9 purchasing, and disbursing policies that implement effective internal  
10 control;

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

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

23 **Sec. 9.** RCW 68.24.180 and 1984 c 7 s 369 are each amended to read  
24 as follows:

25 After dedication under this title, and as long as the property  
26 remains dedicated to cemetery purposes, a railroad, street, road,  
27 alley, pipe line, pole line, or other public thoroughfare or utility  
28 shall not be laid out, through, over, or across any part of it without  
29 the consent of the cemetery authority owning and operating it, or of  
30 not less than two-thirds of the owners of interment plots: PROVIDED  
31 HOWEVER, That a city of under twenty thousand may initiate, prior to  
32 January 1, 1995, an action to condemn cemetery property if the purpose  
33 is to further improve an existing street, or other public improvement  
34 and the proposed improvement does not interfere with existing interment  
35 plots containing human remains. (~~However, so long as the action is~~  
36 ~~commenced prior to March 31, 1961, the department of transportation may~~  
37 ~~condemn for state highway purposes for Primary State Highway No. 14 in~~  
38 ~~the vicinity of Gig Harbor land in any burial ground or cemetery in the~~

1 following cases:—(1) Where no organized or known authority is in  
2 charge of any such cemetery, or (2) where the necessary consent cannot  
3 be obtained and the court finds that considerations of highway safety  
4 necessitate the taking of the land.— A judgment entered in the  
5 condemnation proceedings shall require that before an entry is made on  
6 the land condemned for state highway purposes, the state shall, at its  
7 own expense, remove or cause to be removed from the land any bodies  
8 buried therein and suitably reinter them elsewhere to the satisfaction  
9 of relatives, if they can be found.))

10 **Sec. 10.** RCW 82.14.330 and 1993 sp.s. c 21 s 3 are each amended to  
11 read as follows:

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

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

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

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

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

16 (2) In addition to the distributions under subsection (1) of this  
17 section:

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

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

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

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

34 Moneys distributed under this subsection shall be distributed to  
35 those cities that submit funding requests under this subsection to the  
36 department of community, trade, and economic development based on  
37 criteria developed under RCW 82.14.335. Allocation of funds shall be  
38 in proportion to the population of qualified jurisdictions, but the  
39 distribution to a city shall not exceed the amount of funds requested.

1 Cities shall submit requests for program funding to the department of  
2 community, trade, and economic development by November 1 of each year  
3 for funding the following year. The department shall certify to the  
4 state treasurer the cities eligible for funding under this subsection  
5 and the amount of each allocation.

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

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

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

31 **Sec. 11.** RCW 41.16.050 and 1986 c 296 s 3 are each amended to read  
32 as follows:

33 There is hereby created and established in the treasury of each  
34 municipality a fund which shall be known and designated as the  
35 firemen's pension fund, which shall consist of: (1) All bequests,  
36 fees, gifts, emoluments, or donations given or paid thereto; (2) forty-  
37 five percent of all moneys received by the state from taxes on fire  
38 insurance premiums; (3) taxes paid pursuant to the provisions of RCW

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

31 NEW SECTION. Sec. 12. Section 10 of this act is necessary for the  
32 immediate preservation of the public peace, health, or safety, or  
33 support of the state government and its existing public institutions,  
34 and shall take effect March 1, 1994."

--- END ---