

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6025

Chapter 273, Laws of 1994

53rd Legislature
1994 Regular Session

CITIES AND TOWNS--BOUNDARIES, ZONING, DEDICATIONS

EFFECTIVE DATE: 6/9/94 - Except Section 22 which takes effect
4/1/94

Passed by the Senate March 10, 1994
YEAS 42 NAYS 2

JOEL PRITCHARD

President of the Senate

Passed by the House March 10, 1994
YEAS 88 NAYS 6

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved April 1, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6025** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

April 1, 1994 - 2:21 p.m.

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6025

AS RECOMMENDED BY CONFERENCE COMMITTEE

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By Senators Winsley and Haugen

Read first time 01/10/94. Referred to Committee on Government Operations.

1 AN ACT Relating to cities and towns; amending RCW 35.16.010,
2 35.16.020, 35.16.030, 35.16.040, 35.16.050, 35.22.288, 35.23.310,
3 35.23.352, 35.24.220, 35.27.010, 35.27.300, 35.30.018, 35A.12.160,
4 42.24.180, 65.16.160, 68.24.180, 74.15.020, 82.14.330, and 41.16.050;
5 adding a new section to chapter 35.16 RCW; adding a new section to
6 chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding
7 a new section to chapter 36.70A RCW; and declaring an emergency.

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

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

11 Upon the filing of a petition (~~((praying for an election to submit~~
12 ~~the question of excluding))~~ which is sufficient as determined by RCW
13 35A.01.040 requesting the exclusion from the boundaries of a city or
14 town of an area described by metes and bounds or by reference to a
15 recorded plat or government survey (~~((from the boundaries of a city or~~
16 ~~town))~~), signed by qualified voters (~~((thereof))~~) of the city or town
17 equal in number to not less than (~~((one-fifth))~~) ten percent of the
18 number of (~~((votes cast))~~) voters voting at the last general municipal
19 election, the city or town (~~((council))~~) legislative body shall (~~((cause~~

1 ~~to be submitted~~) submit the question to the voters (~~by a special~~
2 ~~election held for that purpose. Such special election shall not be~~
3 ~~held within ninety days next preceding any general election~~). As an
4 alternate method, the legislative body of the city or town may by
5 resolution submit a proposal to the voters for excluding such a
6 described area from the boundaries of the city or town. The question
7 shall be submitted at the next general municipal election if one is to
8 be held within one hundred eighty days or at a special election called
9 for that purpose not less than ninety days nor more than one hundred
10 eighty days after the certification of sufficiency of the petition or
11 the passage of the resolution. The petition or resolution shall set
12 out and describe the territory to be excluded from the ((corporation))
13 city or town, together with the boundaries of the ((said corporation))
14 city or town as it will exist after such change is made.

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

17 Notice of a (~~special~~) corporate limit reduction election shall be
18 published (~~for~~) at least (~~four~~) once each week for two consecutive
19 weeks prior to the election in the official newspaper of the city or
20 town. The notice shall distinctly state the proposition to be
21 submitted, shall designate specifically the area proposed to be
22 excluded and the boundaries of the city or town as they would be after
23 the proposed exclusion of territory therefrom ((and shall require the
24 voters to cast ballots which)). The ballots shall contain the words
25 "For reduction of ((corporate)) city limits" and "Against reduction of
26 ((corporate)) city limits" or words equivalent thereto. ((This notice
27 shall be in addition to the notice required by chapter 29.27 RCW.))

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

30 (~~On the Monday next succeeding a special corporate limit reduction~~
31 ~~election, the canvassing authority shall proceed to canvass the returns~~
32 ~~thereof and~~) The election returns shall be canvassed as provided in
33 RCW 29.13.040. If three-fifths of the votes cast on the proposition
34 favor the reduction of the corporate limits, the ((council))
35 legislative body of the city or town, by an order entered on its
36 minutes, shall ((cause)) direct the clerk to make and transmit to the
37 office of the secretary of state a certified abstract of the vote. The

1 abstract shall show the (~~whole~~) total number of (~~electors~~) voters
2 voting, the number of votes cast for reduction and the number of votes
3 cast against reduction.

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

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

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

15 (~~Immediately upon~~) A certified copy of the ordinance defining the
16 reduced city or town limits (~~going into effect, a certified copy~~
17 ~~thereof~~) together with a map showing the corporate limits as altered
18 shall be filed and recorded in the office of the county auditor of the
19 county in which the city or town is situated, (~~and thereupon the~~
20 ~~boundaries shall be as set forth therein~~) upon the effective date of
21 the ordinance. The new boundaries of the city or town shall take
22 effect immediately after they are filed and recorded with the county
23 auditor.

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

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

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

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

11 An inadvertent mistake or omission in publishing the text or a
12 summary of the content of an ordinance shall not render the ordinance
13 invalid.

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

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

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

35 An inadvertent mistake or omission in publishing the text or a
36 summary of the content of an ordinance shall not render the ordinance
37 invalid.

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

10 A certified copy of any ordinance certified to by the clerk, or a
11 printed copy of any ordinance or compilation printed by authority of
12 the city council and attested by the clerk shall be competent evidence
13 in any court.

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

16 (1) Any second or third class city or any town may construct any
17 public works, as defined in RCW 39.04.010, by contract or day labor
18 without calling for bids therefor whenever the estimated cost of the
19 work or improvement, including cost of materials, supplies and
20 equipment will not exceed the sum of thirty thousand dollars if more
21 than one craft or trade is involved with the public works, or twenty
22 thousand dollars if a single craft or trade is involved with the public
23 works or the public works project is street signalization or street
24 lighting. A public works project means a complete project. The
25 restrictions in this subsection do not permit the division of the
26 project into units of work or classes of work to avoid the restriction
27 on work that may be performed by day labor on a single project.

28 Whenever the cost of the public work or improvement, including
29 materials, supplies and equipment, will exceed these figures, the same
30 shall be done by contract. All such contracts shall be let at public
31 bidding upon publication of notice calling for sealed bids upon the
32 work. The notice shall be published in the official newspaper, or a
33 newspaper of general circulation most likely to bring responsive bids,
34 at least thirteen days prior to the last date upon which bids will be
35 received. The notice shall generally state the nature of the work to
36 be done that plans and specifications therefor shall then be on file in
37 the city or town hall for public inspections, and require that bids be
38 sealed and filed with the council or commission within the time

1 specified therein. Each bid shall be accompanied by a bid proposal
2 deposit in the form of a cashier's check, postal money order, or surety
3 bond to the council or commission for a sum of not less than five
4 percent of the amount of the bid, and no bid shall be considered unless
5 accompanied by such bid proposal deposit. The council or commission of
6 the city or town shall let the contract to the lowest responsible
7 bidder or shall have power by resolution to reject any or all bids and
8 to make further calls for bids in the same manner as the original call.

9 When the contract is let then all bid proposal deposits shall be
10 returned to the bidders except that of the successful bidder which
11 shall be retained until a contract is entered into and a bond to
12 perform the work furnished, with surety satisfactory to the council or
13 commission, in accordance with RCW 39.08.030. If the bidder fails to
14 enter into the contract in accordance with his or her bid and furnish
15 a bond within ten days from the date at which he or she is notified
16 that he or she is the successful bidder, the check or postal money
17 order and the amount thereof shall be forfeited to the council or
18 commission or the council or commission shall recover the amount of the
19 surety bond.

20 If no bid is received on the first call the council or commission
21 may readvertise and make a second call, or may enter into a contract
22 without any further call or may purchase the supplies, material or
23 equipment and perform the work or improvement by day labor.

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

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

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

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

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

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

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

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

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

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

26 (11) Nothing in this section shall prohibit any second or third
27 class city or any town from allowing for preferential purchase of
28 products made from recycled materials or products that may be recycled
29 or reused.

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

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

35 For purposes of this section, a summary shall mean a brief
36 description which succinctly describes the main points of the
37 ordinance. Publication of the title of an ordinance authorizing the
38 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 **Sec. 11.** RCW 35.27.010 and 1965 c 7 s 35.27.010 are each amended
17 to 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. 12.** RCW 35.27.300 and 1988 c 168 s 5 are each amended to read
27 as follows:

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

31 For purposes of this section, a summary shall mean a brief
32 description which succinctly describes the main points of the
33 ordinance. Publication of the title of an ordinance authorizing the
34 issuance of bonds, notes, or other evidences of indebtedness shall
35 constitute publication of a summary of that ordinance. When the town
36 publishes a summary, the publication shall include a statement that the
37 full text of the ordinance will be mailed upon request.

1 An inadvertent mistake or omission in publishing the text or a
2 summary of the content of an ordinance shall not render the ordinance
3 invalid.

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

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

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

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

25 An inadvertent mistake or omission in publishing the text or a
26 summary of the content of an ordinance shall not render the ordinance
27 invalid.

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

1 NEW SECTION. **Sec. 14.** A new section is added to chapter 35.63 RCW
2 to read as follows:

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

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

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

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

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

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

37 For purposes of this section, a summary shall mean a brief
38 description which succinctly describes the main points of the

1 ordinance. Publication of the title of an ordinance authorizing the
2 issuance of bonds, notes, or other evidences of indebtedness shall
3 constitute publication of a summary of that ordinance. When the city
4 publishes a summary, the publication shall include a statement that the
5 full text of the ordinance will be mailed upon request.

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

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

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

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

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

36 A city may also require that the family day-care provider, before
37 state licensing, require proof of written notification by the provider
38 that the immediately adjoining property owners have been informed of

1 the intent to locate and maintain such a facility. If a dispute arises
2 between neighbors and the family day-care provider over licensing
3 requirements, the licensor may provide a forum to resolve the dispute.

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

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

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

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

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

36 Nothing in this section shall be construed to prohibit a city that
37 plans or elects to plan under this chapter from imposing zoning
38 conditions on the establishment and maintenance of a family day-care

1 provider's home in an area zoned for residential or commercial use, so
2 long as such conditions are no more restrictive than conditions imposed
3 on other residential dwellings in the same zone and the establishment
4 of such facilities is not precluded. As used in this section, "family
5 day-care provider" is as defined in RCW 74.15.020.

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

8 In order to expedite the payment of claims, the legislative body of
9 any taxing district, as defined in RCW 43.09.260, may authorize the
10 issuance of warrants or checks in payment of claims after the
11 provisions of this chapter have been met and after the officer
12 designated by statute, or, in the absence of statute, an appropriate
13 charter provision, ordinance, or resolution of the taxing district, has
14 signed the checks or warrants, but before the legislative body has
15 acted to approve the claims. The legislative body may stipulate that
16 certain kinds or amounts of claims shall not be paid before the board
17 has reviewed the supporting documentation and approved the issue of
18 checks or warrants in payment of those claims. However, all of the
19 following conditions shall be met before the payment:

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

24 (2) The legislative body shall adopt contracting, hiring,
25 purchasing, and disbursing policies that implement effective internal
26 control;

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

32 (4) The legislative body shall require that if, upon review, it
33 disapproves some claims, the auditing officer and the officer
34 designated to sign the checks or warrants shall jointly cause the
35 disapproved claims to be recognized as receivables of the taxing
36 district and to pursue collection diligently until the amounts
37 disapproved are collected or until the legislative body is satisfied
38 and approves the claims.

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

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

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

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

10 (c) A descriptive title;

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

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

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

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

19 (2) Subsection (1) of this section notwithstanding, whenever any
20 publication is made under this section and the proposed or adopted
21 ordinance contains provisions regarding taxation or penalties or
22 contains legal descriptions of real property, then the sections
23 containing this matter shall be published in full and shall not be
24 summarized. When a legal description of real property is involved, the
25 notice shall also include the street address or addresses of the
26 property described, if any. In the case of descriptions covering more
27 than one street address, the street addresses of the four corners of
28 the area described shall meet this requirement.

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

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

34 After dedication under this title, and as long as the property
35 remains dedicated to cemetery purposes, a railroad, street, road,
36 alley, pipe line, pole line, or other public thoroughfare or utility
37 shall not be laid out, through, over, or across any part of it without
38 the consent of the cemetery authority owning and operating it, or of

1 not less than two-thirds of the owners of interment plots: PROVIDED
2 HOWEVER, That a city of under twenty thousand may initiate, prior to
3 January 1, 1995, an action to condemn cemetery property if the purpose
4 is to further improve an existing street, or other public improvement
5 and the proposed improvement does not interfere with existing interment
6 plots containing human remains. ((However, so long as the action is
7 commenced prior to March 31, 1961, the department of transportation may
8 condemn for state highway purposes for Primary State Highway No. 14 in
9 the vicinity of Gig Harbor land in any burial ground or cemetery in the
10 following cases:—(1) Where no organized or known authority is in
11 charge of any such cemetery, or (2) where the necessary consent cannot
12 be obtained and the court finds that considerations of highway safety
13 necessitate the taking of the land. A judgment entered in the
14 condemnation proceedings shall require that before an entry is made on
15 the land condemned for state highway purposes, the state shall, at its
16 own expense, remove or cause to be removed from the land any bodies
17 buried therein and suitably reinter them elsewhere to the satisfaction
18 of relatives, if they can be found.))

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

21 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
22 otherwise clearly indicated by the context thereof, the following terms
23 shall mean:

24 (1) "Department" means the state department of social and health
25 services;

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

27 (3) "Agency" means any person, firm, partnership, association,
28 corporation, or facility which receives children, expectant mothers, or
29 persons with developmental disabilities for control, care, or
30 maintenance outside their own homes, or which places, arranges the
31 placement of, or assists in the placement of children, expectant
32 mothers, or persons with developmental disabilities for foster care or
33 placement of children for adoption, and shall include the following
34 irrespective of whether there is compensation to the agency or to the
35 children, expectant mothers or persons with developmental disabilities
36 for services rendered:

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

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

6 (c) "Maternity service" means an agency which provides or arranges
7 for care or services to expectant mothers, before or during
8 confinement, or which provides care as needed to mothers and their
9 infants after confinement;

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

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

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

21 ((+f)) (g) "Crisis residential center" means an agency which is a
22 temporary protective residential facility operated to perform the
23 duties specified in chapter 13.32A RCW, in the manner provided in RCW
24 74.13.032 through 74.13.036.

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

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

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

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

37 (d) A person, partnership, corporation, or other entity that
38 provides placement or similar services to exchange students or
39 international student exchange visitors;

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

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

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

10 (h) Hospitals licensed pursuant to chapter 70.41 RCW when
11 performing functions defined in chapter 70.41 RCW, nursing homes
12 licensed under chapter 18.51 RCW and boarding homes licensed under
13 chapter 18.20 RCW;

14 (i) Licensed physicians or lawyers;

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

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

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

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

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

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

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

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

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

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

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

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

27 Moneys distributed under this subsection shall be expended
28 exclusively for criminal justice purposes and shall not be used to
29 replace or supplant existing funding. Criminal justice purposes are
30 defined as activities that substantially assist the criminal justice
31 system, which may include circumstances where ancillary benefit to the
32 civil justice system occurs, and which includes domestic violence
33 services such as those provided by domestic violence programs,
34 community advocates, and legal advocates, as defined in RCW 70.123.020.
35 Existing funding for purposes of this subsection is defined as calendar
36 year 1989 actual operating expenditures for criminal justice purposes.
37 Calendar year 1989 actual operating expenditures for criminal justice
38 purposes exclude the following: Expenditures for extraordinary events
39 not likely to reoccur, changes in contract provisions for criminal

1 justice services, beyond the control of the local jurisdiction
2 receiving the services, and major nonrecurring capital expenditures.

3 (2) In addition to the distributions under subsection (1) of this
4 section:

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

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

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

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

21 Moneys distributed under this subsection shall be distributed to
22 those cities that submit funding requests under this subsection to the
23 department of community, trade, and economic development based on
24 criteria developed under RCW 82.14.335. Allocation of funds shall be
25 in proportion to the population of qualified jurisdictions, but the
26 distribution to a city shall not exceed the amount of funds requested.
27 Cities shall submit requests for program funding to the department of
28 community, trade, and economic development by November 1 of each year
29 for funding the following year. The department shall certify to the
30 state treasurer the cities eligible for funding under this subsection
31 and the amount of each allocation.

32 ~~((One half of the moneys distributed under (a) through (d) of this~~
33 ~~subsection shall be distributed on March 1st and the remaining one half~~
34 ~~of the moneys shall be distributed on September 1st)) The moneys
35 deposited in the municipal criminal justice assistance account for
36 distribution under this subsection shall be distributed at the times as
37 distributions are made under RCW 82.44.150. Moneys remaining
38 undistributed under this subsection at the end of each calendar year
39 shall be distributed to the criminal justice training commission to~~

1 reimburse participating city law enforcement agencies with ten or fewer
2 full-time commissioned patrol officers the cost of temporary
3 replacement of each officer who is enrolled in basic law enforcement
4 training, as provided in RCW 43.101.200.

5 If a city is found by the state auditor to have expended funds
6 received under this subsection in a manner that does not comply with
7 the criteria under which the moneys were received, the city shall be
8 ineligible to receive future distributions under this subsection until
9 the use of the moneys are justified to the satisfaction of the director
10 or are repaid to the state general fund. The director may allow
11 noncomplying use of moneys received under this subsection upon a
12 showing of hardship or other emergent need.

13 (3) Notwithstanding other provisions of this section, the
14 distributions to any city that substantially decriminalizes or repeals
15 its criminal code after July 1, 1990, and that does not reimburse the
16 county for costs associated with criminal cases under RCW 3.50.800 or
17 3.50.805(2), shall be made to the county in which the city is located.

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

20 There is hereby created and established in the treasury of each
21 municipality a fund which shall be known and designated as the
22 firemen's pension fund, which shall consist of: (1) All bequests,
23 fees, gifts, emoluments, or donations given or paid thereto; (2) forty-
24 five percent of all moneys received by the state from taxes on fire
25 insurance premiums; (3) taxes paid pursuant to the provisions of RCW
26 41.16.060; (4) interest on the investments of the fund; and (5)
27 contributions by (~~firemen~~) fire fighters as provided for herein. The
28 moneys received from the tax on fire insurance premiums under the
29 provisions of this chapter shall be distributed in the proportion that
30 the number of paid (~~firemen~~) fire fighters in the city, town, or fire
31 protection district bears to the total number of paid (~~firemen~~) fire
32 fighters throughout the state to be ascertained in the following
33 manner: The secretary of the firemen's pension board of each city,
34 town, and fire protection district now or hereafter coming under the
35 provisions of this chapter shall within thirty days after June 7, 1961,
36 and on or before the fifteenth day of January thereafter, certify to
37 the state treasurer the number of paid (~~firemen~~) fire fighters in the
38 fire department in such city, town, or fire protection district. For

1 any city or town annexed by a fire protection district at any time
2 before, on, or after the effective date of this section, the city or
3 town shall continue to certify to the state treasurer the number of
4 paid fire fighters in the city or town fire department immediately
5 before annexation until all obligations against the firemen's pension
6 fund in the city or town have been satisfied. For the purposes of the
7 calculation in this section, the state treasurer shall subtract the
8 number certified by the annexed city or town from the number of paid
9 fire fighters certified by an annexing fire protection district. The
10 state treasurer shall on or before the first day of June of each year
11 deliver to the treasurer of each city, town, and fire protection
12 district coming under the provisions of this chapter his or her
13 warrant, payable to each city, town, or fire protection district for
14 the amount due such city, town or fire protection district ascertained
15 as herein provided and the treasurer of each such city, town, or fire
16 protection district shall place the amount thereof to the credit of the
17 firemen's pension fund of such city, town, or fire protection district.

18 NEW SECTION. Sec. 24. Section 22 of this act is necessary for the
19 immediate preservation of the public peace, health, or safety, or
20 support of the state government and its existing public institutions,
21 and shall take effect immediately.

Passed the Senate March 10, 1994.

Passed the House March 10, 1994.

Approved by the Governor April 1, 1994.

Filed in Office of Secretary of State April 1, 1994.