
HOUSE BILL 2801

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Hunt and Kenney

Read first time 02/27/12. Referred to Committee on Ways & Means.

1 AN ACT Relating to addressing local government fiscal matters by
2 revising local government duties, assistance, and revenues; amending
3 RCW 43.09.260, 41.56.030, 90.48.260, 35.22.288, 35A.12.160, 36.72.071,
4 36.22.020, 36.29.010, 36.32.120, 36.32.235, 36.32.245, 36.32.250,
5 36.34.020, 36.34.090, 36.34.160, 36.34.170, 36.35.120, 36.35.180,
6 36.36.020, 36.38.030, 36.40.060, 36.40.100, 36.40.140, 36.55.040,
7 36.58.090, 36.58.110, 36.58A.020, 36.60.020, 36.60.120, 36.61.040,
8 36.61.100, 36.61.190, 36.68.440, 36.68.470, 36.69.040, 36.69.230,
9 36.69.280, 36.70.390, 36.70.430, 36.70.440, 36.70.590, 36.70A.035,
10 36.70A.367, 36.73.050, 36.75.270, 36.81.070, 36.82.190, 36.83.020,
11 36.87.050, 36.88.030, 36.88.050, 82.14.350, 82.14.450, 82.14.460,
12 82.02.020, 82.14.310, 82.14.320, 82.14.330, 82.14.370, 66.24.290,
13 82.08.160, 82.08.170, 43.110.030, 66.08.190, 66.08.196, 35A.66.020,
14 36.70A.340, 70.94.390, 70.96A.087, 43.63A.190, 43.101.200, 43.101.220,
15 43.101.224, 43.101.225, 43.101.227, 43.101.290, 43.101.350, 43.101.370,
16 2.56.030, 3.62.050, and 43.08.250; reenacting and amending RCW
17 36.70B.110 and 36.77.070; adding new sections to chapter 82.14 RCW;
18 adding a new section to chapter 35.21 RCW; adding a new section to
19 chapter 35A.21 RCW; adding a new section to chapter 43.43 RCW; adding
20 a new chapter to Title 82 RCW; creating new sections; repealing RCW
21 82.14.300, 82.08.180, 43.110.050, 43.110.060, 66.08.200, 66.08.210,

1 3.50.480, 3.58.060, and 35.20.280; repealing 2005 c 457 s 1
2 (uncodified); providing effective dates; and providing an expiration
3 date.

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

5 **PART I**

6 **LOCAL GOVERNMENT DUTIES**

7 NEW SECTION. **Sec. 101.** (1) The legislature recognizes that
8 declining tax revenues, decreasing federal and state aid, and
9 increasing demands for services have forced city and county governments
10 to make difficult choices about the types and scale of services
11 provided to citizens, businesses, and employees. The legislature also
12 recognizes that cities and counties, while responding to these fiscal
13 pressures, continue the challenging and critical responsibilities of
14 balancing community needs with those advanced and required by the
15 state.

16 (2) In recognition of the impacts to city and county governments
17 resulting from declining tax revenues, decreasing aid, and increasing
18 service demands, the legislature intends to provide cities and counties
19 with policy options and directives for reducing their nontax
20 administration operating costs.

21 **Sec. 102.** RCW 43.09.260 and 2009 c 564 s 927 are each amended to
22 read as follows:

23 (1) Except as provided otherwise by this section, the examination
24 of the financial affairs of all local governments ((shall)) must be
25 made at such reasonable, periodic intervals as the state auditor
26 ((shall)) determines. However, an examination of the financial affairs
27 of all local governments ((shall)), excepting counties and cities, must
28 be made at least once ((in)) every three years, and an examination of
29 individual local government health and welfare benefit plans and local
30 government self-insurance programs ((shall)) must be made at least once
31 every two years. Except as provided otherwise in subsection (2) of
32 this section, an examination of county and city financial affairs may
33 only be made once every three years.

1 (2) (~~During the 2009-2011 fiscal biennium, the state auditor shall~~
2 ~~conduct audits no more often than once every two years of local~~
3 ~~governments with annual general fund revenues of ten million dollars or~~
4 ~~less and no findings of impropriety for the three year period~~
5 ~~immediately preceding the audit period.~~) This ((subsection)) section
6 does not prohibit the state auditor from conducting audits:

7 (a) To address suspected fraud or irregular conduct;

8 (b) At the request of the local government governing body; (~~or~~)

9 (c) As required by federal laws or regulations; or

10 (d) For local governments, including counties and cities, that had
11 a finding involving a significant violation of state law or weakness in
12 internal controls in the preceding year.

13 (3) Unless the context or express provisions provide otherwise, the
14 term local governments, for purposes of this chapter, includes but is
15 not limited to all counties, cities, and other political subdivisions,
16 municipal corporations, and quasi-municipal corporations, however
17 denominated.

18 (4) (~~The state auditor shall establish a schedule to govern the~~
19 ~~auditing of local governments which shall include: A designation of~~
20 ~~the various classifications of local governments; a designation of the~~
21 ~~frequency for auditing each type of local government; and a description~~
22 ~~of events which cause a more frequent audit to be conducted.~~

23 (5)) On every such examination, inquiry (~~shall~~) must be made as
24 to the financial condition and resources of the local government;
25 whether the Constitution and laws of the state, the ordinances and
26 orders of the local government, and the requirements of the state
27 auditor have been properly complied with; and into the methods and
28 accuracy of the accounts and reports.

29 ((6)) (5) A report of such examination (~~shall~~) must be made and
30 filed in the office of state auditor, and one copy (~~shall~~) must be
31 transmitted to the local government. A copy of any report containing
32 findings of noncompliance with state law (~~shall~~) must be transmitted
33 to the attorney general. If any such report discloses malfeasance,
34 misfeasance, or nonfeasance in office on the part of any public officer
35 or employee, within thirty days from the receipt of his or her copy of
36 the report, the attorney general (~~shall~~) must institute, in the
37 proper county, such legal action as is proper in the premises by civil

1 process and prosecute the same to final determination to carry into
2 effect the findings of the examination.

3 ((+7)) (6) It ((shall be)) is unlawful for any local government or
4 the responsible head thereof, to make a settlement or compromise of any
5 claim arising out of such malfeasance, misfeasance, or nonfeasance, or
6 any action commenced therefor, or for any court to enter upon any
7 compromise or settlement of such action, without the written approval
8 and consent of the attorney general and the state auditor.

9 **Sec. 103.** RCW 41.56.030 and 2011 1st sp.s. c 21 s 11 are each
10 amended to read as follows:

11 As used in this chapter:

12 (1) "Adult family home provider" means a provider as defined in RCW
13 70.128.010 who receives payments from the medicaid and state-funded
14 long-term care programs.

15 (2) "Bargaining representative" means any lawful organization which
16 has as one of its primary purposes the representation of employees in
17 their employment relations with employers.

18 (3) "Child care subsidy" means a payment from the state through a
19 child care subsidy program established pursuant to RCW 74.12.340 or
20 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor
21 program.

22 (4) "Collective bargaining" means the performance of the mutual
23 obligations of the public employer and the exclusive bargaining
24 representative to meet at reasonable times, to confer and negotiate in
25 good faith, and to execute a written agreement with respect to
26 grievance procedures and collective negotiations on personnel matters,
27 including wages, hours and working conditions, which may be peculiar to
28 an appropriate bargaining unit of such public employer, but excluding
29 the use of volunteers by counties and cities, except that by such
30 obligation neither party ((shall)) may be compelled to agree to a
31 proposal or be required to make a concession unless otherwise provided
32 in this chapter.

33 (5) "Commission" means the public employment relations commission.

34 (6) "Executive director" means the executive director of the
35 commission.

36 (7) "Family child care provider" means a person who: (a) Provides
37 regularly scheduled care for a child or children in the home of the

1 provider or in the home of the child or children for periods of less
2 than twenty-four hours or, if necessary due to the nature of the
3 parent's work, for periods equal to or greater than twenty-four hours;
4 (b) receives child care subsidies; and (c) is either licensed by the
5 state under RCW 74.15.030 or is exempt from licensing under chapter
6 74.15 RCW.

7 (8) "Individual provider" means an individual provider as defined
8 in RCW 74.39A.240(4) who, solely for the purposes of collective
9 bargaining, is a public employee as provided in RCW 74.39A.270.

10 (9) "Institution of higher education" means the University of
11 Washington, Washington State University, Central Washington University,
12 Eastern Washington University, Western Washington University, The
13 Evergreen State College, and the various state community colleges.

14 (10)(a) "Language access provider" means any independent contractor
15 who provides spoken language interpreter services for department of
16 social and health services appointments or medicaid enrollee
17 appointments, or provided these services on or after January 1, 2009,
18 and before June 10, 2010, whether paid by a broker, language access
19 agency, or the department.

20 (b) "Language access provider" does not mean an owner, manager, or
21 employee of a broker or a language access agency.

22 (11) "Public employee" means any employee of a public employer
23 except any person (a) elected by popular vote, or (b) appointed to
24 office pursuant to statute, ordinance or resolution for a specified
25 term of office as a member of a multimember board, commission, or
26 committee, whether appointed by the executive head or body of the
27 public employer, or (c) whose duties as deputy, administrative
28 assistant or secretary necessarily imply a confidential relationship to
29 (i) the executive head or body of the applicable bargaining unit, or
30 (ii) any person elected by popular vote, or (iii) any person appointed
31 to office pursuant to statute, ordinance or resolution for a specified
32 term of office as a member of a multimember board, commission, or
33 committee, whether appointed by the executive head or body of the
34 public employer, or (d) who is a court commissioner or a court
35 magistrate of superior court, district court, or a department of a
36 district court organized under chapter 3.46 RCW, or (e) who is a
37 personal assistant to a district court judge, superior court judge, or

1 court commissioner. For the purpose of (e) of this subsection, no more
2 than one assistant for each judge or commissioner may be excluded from
3 a bargaining unit.

4 (12) "Public employer" means any officer, board, commission,
5 council, or other person or body acting on behalf of any public body
6 governed by this chapter, or any subdivision of such public body. For
7 the purposes of this section, the public employer of district court or
8 superior court employees for wage-related matters is the respective
9 county legislative authority, or person or body acting on behalf of the
10 legislative authority, and the public employer for nonwage-related
11 matters is the judge or judge's designee of the respective district
12 court or superior court.

13 (13) "Uniformed personnel" means: (a) Law enforcement officers as
14 defined in RCW 41.26.030 employed by the governing body of any city or
15 town with a population of two thousand five hundred or more and law
16 enforcement officers employed by the governing body of any county with
17 a population of ten thousand or more; (b) correctional employees who
18 are uniformed and nonuniformed, commissioned and noncommissioned
19 security personnel employed in a jail as defined in RCW 70.48.020(9),
20 by a county with a population of seventy thousand or more, and who are
21 trained for and charged with the responsibility of controlling and
22 maintaining custody of inmates in the jail and safeguarding inmates
23 from other inmates; (c) general authority Washington peace officers as
24 defined in RCW 10.93.020 employed by a port district in a county with
25 a population of one million or more; (d) security forces established
26 under RCW 43.52.520; (e) firefighters as that term is defined in RCW
27 41.26.030; (f) employees of a port district in a county with a
28 population of one million or more whose duties include crash fire
29 rescue or other firefighting duties; (g) employees of fire departments
30 of public employers who dispatch exclusively either fire or emergency
31 medical services, or both; or (h) employees in the several classes of
32 advanced life support technicians, as defined in RCW 18.71.200, who are
33 employed by a public employer.

34 **Sec. 104.** RCW 90.48.260 and 2011 c 353 s 12 are each amended to
35 read as follows:

36 (1) The department of ecology is hereby designated as the state
37 water pollution control agency for all purposes of the federal clean

1 water act as it exists on February 4, 1987, and is hereby authorized to
2 participate fully in the programs of the act as well as to take all
3 action necessary to secure to the state the benefits and to meet the
4 requirements of that act. With regard to the national estuary program
5 established by section 320 of that act, the department (~~(shall)~~) must
6 exercise its responsibility jointly with the Puget Sound partnership,
7 created in RCW 90.71.210. The department of ecology may delegate its
8 authority under this chapter, including its national pollutant
9 discharge elimination permit system authority and duties regarding
10 animal feeding operations and concentrated animal feeding operations,
11 to the department of agriculture through a memorandum of understanding.
12 Until any such delegation receives federal approval, the department of
13 agriculture's adoption or issuance of animal feeding operation and
14 concentrated animal feeding operation rules, permits, programs, and
15 directives pertaining to water quality (~~(shall)~~) must be accomplished
16 after reaching agreement with the director of the department of
17 ecology. Adoption or issuance and implementation (~~(shall)~~) must be
18 accomplished so that compliance with such animal feeding operation and
19 concentrated animal feeding operation rules, permits, programs, and
20 directives will achieve compliance with all federal and state water
21 pollution control laws. The powers granted herein include, among
22 others, and notwithstanding any other provisions of this chapter
23 (~~(90.48 RCW)~~) or otherwise, the following:

24 (a) Complete authority to establish and administer a comprehensive
25 state point source waste discharge or pollution discharge elimination
26 permit program which will enable the department to qualify for full
27 participation in any national waste discharge or pollution discharge
28 elimination permit system and will allow the department to be the sole
29 agency issuing permits required by such national system operating in
30 the state of Washington subject to the provisions of RCW 90.48.262(2).
31 Program elements authorized herein may include, but are not limited to:
32 (i) Effluent treatment and limitation requirements together with timing
33 requirements related thereto; (ii) applicable receiving water quality
34 standards requirements; (iii) requirements of standards of performance
35 for new sources; (iv) pretreatment requirements; (v) termination and
36 modification of permits for cause; (vi) requirements for public notices
37 and opportunities for public hearings; (vii) appropriate relationships
38 with the secretary of the army in the administration of his

1 responsibilities which relate to anchorage and navigation, with the
2 administrator of the environmental protection agency in the performance
3 of his duties, and with other governmental officials under the federal
4 clean water act; (viii) requirements for inspection, monitoring, entry,
5 and reporting; (ix) enforcement of the program through penalties,
6 emergency powers, and criminal sanctions; (x) a continuing planning
7 process; and (xi) user charges.

8 (b) The power to establish and administer state programs in a
9 manner which will insure the procurement of moneys, whether in the form
10 of grants, loans, or otherwise; to assist in the construction,
11 operation, and maintenance of various water pollution control
12 facilities and works; and the administering of various state water
13 pollution control management, regulatory, and enforcement programs.

14 (c) The power to develop and implement appropriate programs
15 pertaining to continuing planning processes, area-wide waste treatment
16 management plans, and basin planning.

17 (2) The governor (~~((shall have))~~) has authority to perform those
18 actions required of him or her by the federal clean water act.

19 ~~((+2))~~ (3) By July 31, 2012, the department (~~((shall))~~) must:

20 (a) Reissue without modification and for a term of one year any
21 national pollutant discharge elimination system municipal storm water
22 general permit first issued on January 17, 2007; and

23 (b) Issue an updated national pollutant discharge elimination
24 system municipal storm water general permit for any permit first issued
25 on January 17, 2007. An updated permit issued under this subsection
26 (~~((shall))~~) becomes effective beginning August 1, 2013.

27 (4) For phase II permittees located west of the crest of the
28 Cascade mountains, the issuance of a permit under subsection (3)(b) of
29 this section must include a process providing for the following:

30 (a) Technical training regarding the benefits of low-impact
31 development including, but not limited to, when the use of low-impact
32 development is appropriate and feasible, and the design, installation,
33 maintenance, and best practices of low-impact development. The
34 technical training required by this subsection (4)(a) must be provided
35 by the department of commerce, and the Washington State University
36 extension LID technical training program or equivalent organization,
37 and must be provided to phase II permittees and the private development
38 community including builders, engineers, and other industry

1 professionals. The training required by this subsection (4)(a) must be
2 sequenced geographically and provided in time for local jurisdictions
3 to comply with (b) of this subsection and RCW 36.70A.130(5); and

4 (b) In accordance with the schedule established in this subsection
5 (4)(b), a review and revision by phase II permittees of their local
6 development-related codes, rules, standards, or other enforceable
7 documents to remove barriers to, and to specifically authorize, the
8 application of low-impact development principles and low-impact
9 development best management practices in new and redevelopment. In
10 completing this review, the permittees must identify opportunities to
11 minimize impervious surfaces, native vegetation loss, and storm water
12 runoff in all categories of developments. The local jurisdiction, in
13 completing this review, retains authority to preserve development
14 regulations or other codes necessary to protect public safety,
15 community character, and to implement other priorities of the
16 jurisdiction. The requirements of this subsection (4)(b) must be
17 completed in accordance with the following schedule:

18 (i) On or before June 30, 2015, for phase II permittees in King,
19 Pierce, and Snohomish counties;

20 (ii) On or before June 30, 2016, for phase II permittees in
21 Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit,
22 Thurston, and Whatcom counties;

23 (iii) On or before June 30, 2017, for phase II permittees in
24 Cowlitz, Lewis, and Skamania counties; and

25 (iv) On or before June 30, 2018, for phase II permittees in Grays
26 Harbor, Pacific, and Wahkiakum counties.

27 (4) A permit issued under subsection (3)(b) of this section must:

28 (a) Authorize incentives to permittees to require low-impact
29 development, and must include:

30 (i) Incentives for reduced catch basin inspection frequency, not to
31 exceed once per permit cycle;

32 (ii) Incentives for a twenty-five percent reduction in dues to any
33 regional monitoring program; and

34 (iii) A priority for competitive storm water grants issued by the
35 department of ecology;

36 (b) Authorize permittees to offer the following incentives to
37 prospective developers who use low-impact development techniques and
38 best practices consistent with the permit:

1 (i) The creation of a dedicated low-impact development review team
2 in a jurisdiction or an expedited review;

3 (ii) Adjustments to bulk, dimensional, or height restrictions;

4 (iii) Adjustments to parking requirements;

5 (iv) Public recognition;

6 (v) Reduced application fees; and

7 (vi) The authority to site low-impact development facilities within
8 critical areas buffers of wetlands and streams;

9 (c) Specify that jurisdictions become eligible for the incentives
10 in (a)(i) through (iii) of this subsection if:

11 (i) The jurisdiction requires low-impact development, where
12 feasible, in more than fifty percent of an area subject to a permit and
13 zoned for development and offers two or more of the incentives in (b)
14 of this subsection; or

15 (ii) The department of ecology certifies the jurisdiction's
16 eligibility based on the strength of a different incentive program;

17 (d) Specify that the review and revision of local development codes
18 as directed under subsection (4)(b) of this section is a requirement
19 under this chapter, not the federal clean water act;

20 (e) Maintain the option for jurisdictions to provide for a
21 distinction in storm water treatment responsibility for developments
22 above and below one acre in size; and

23 (f) Obligate the department of ecology to develop model practices
24 and multiple options for jurisdictions to ensure ongoing maintenance of
25 storm water treatment and control facilities owned by private parties
26 at a low cost and liability for permittees. These options must be
27 available and tested before they become a permit obligation.

28 (5) For phase II permittees located east of the crest of the
29 Cascade mountains, the permit issued under subsection (3)(b) of this
30 section must provide for the following:

31 (a) A process for the department of ecology to develop, throughout
32 the course of the next permit, a collaborative program to monitor the
33 effectiveness of storm water treatments required by the updated
34 national pollutant discharge elimination system municipal storm water
35 general permit; and

36 (b) An option for jurisdictions to elect to have the department of
37 ecology perform any responsibilities related to measuring the
38 effectiveness of public education and outreach techniques.

1 (6) In preparation for subsequent updated national pollutant
2 discharge elimination system municipal storm water general permits, the
3 department of ecology must review the experiences of the jurisdictions
4 selecting and not selecting to incentivize and require low-impact
5 development when considering whether and how to expand requirements
6 related to low-impact development.

7 NEW SECTION. Sec. 105. (1) Statewide organizations representing
8 local public health officials, counties, and cities must convene a work
9 group that includes four local health jurisdiction representatives, two
10 elected county representatives, two elected city representatives, and
11 the secretary of the department of health or his or her designee. The
12 work group must develop recommendations to the legislature on preferred
13 funding and service delivery methods that will ensure the presence of
14 a cost-effective, nimble, responsive, and sustainable public health
15 system throughout Washington. All necessary efforts must be made to
16 ensure that work group members represent the economic and geographic
17 diversity of Washington's local health jurisdictions, counties, and
18 cities.

19 (2) The work group must submit its initial recommendations to the
20 appropriate legislative committees by January 1, 2013.

21 (3) This section expires June 30, 2013.

22 **Sec. 106.** RCW 35.22.288 and 1994 c 273 s 7 are each amended to
23 read as follows:

24 (1) Promptly after adoption, the text of each ordinance ((or)) must
25 be posted on the city's web site and available as a paper copy at a
26 location designated by the city legislative authority. Additionally,
27 and promptly after adoption, the city must publish a summary of the
28 content of each ordinance (~~shall be published~~) at least once in the
29 official newspaper of the city.

30 (2) For purposes of this section, a summary ((shall mean)) is a
31 brief description ((which)) of fifty or fewer words that succinctly
32 describes the main points of the ordinance. Publication of the title
33 of an ordinance authorizing the issuance of bonds, notes, or other
34 evidences of indebtedness ((shall)) constitutes publication of a
35 summary of that ordinance. When the city publishes a summary, the

1 publication (~~shall~~) must include a statement that the full text of
2 the ordinance is available through the city's web site and will be
3 mailed upon request.

4 (~~An inadvertent mistake or omission in publishing the text or a~~
5 ~~summary of the content of~~) (3) A failure to publish an ordinance
6 (~~shall~~) does not render the ordinance invalid.

7 (4) In addition to the requirement that a city publish the text or
8 a summary of the content of each adopted ordinance, every city
9 (~~shall~~) must establish a procedure for notifying the public of
10 upcoming hearings and the preliminary agenda for the forthcoming
11 council meeting. Such procedure may include, but (~~not be~~) is neither
12 required nor limited to, posting on the city's web site, written
13 notification to the city's official newspaper, publication of a notice
14 in the official newspaper, posting of upcoming council meeting agendas,
15 or such other processes as the city determines will satisfy the intent
16 of this requirement.

17 **Sec. 107.** RCW 35A.12.160 and 1994 c 273 s 15 are each amended to
18 read as follows:

19 (1) Promptly after adoption, the text of each ordinance (~~or~~) must
20 be posted on the city's web site and available as a paper copy at a
21 location designated by the city legislative authority. Additionally,
22 and promptly after adoption, the city must publish a summary of the
23 content of each ordinance (~~shall be published~~) at least once in the
24 city's official newspaper.

25 (2) For purposes of this section, a summary (~~shall mean~~) is a
26 brief description (~~which~~) of fifty or fewer words that succinctly
27 describes the main points of the ordinance. Publication of the title
28 of an ordinance authorizing the issuance of bonds, notes, or other
29 evidences of indebtedness (~~shall~~) constitutes publication of a
30 summary of that ordinance. When the city publishes a summary, the
31 publication (~~shall~~) must include a statement that the full text of
32 the ordinance is available through the city's web site and will be
33 mailed upon request.

34 (~~An inadvertent mistake or omission in publishing the text or a~~
35 ~~summary of the content of~~) (3) A failure to publish an ordinance
36 (~~shall~~) does not render the ordinance invalid.

1 (4) In addition to the requirement that a city publish the text or
2 a summary of the content of each adopted ordinance, every city
3 (~~shall~~) must establish a procedure for notifying the public of
4 upcoming hearings and the preliminary agenda for the forthcoming
5 council meeting. Such procedure may include, but (~~not be~~) is neither
6 required nor limited to, posting on the city's web site, written
7 notification to the city's official newspaper, publication of a notice
8 in the official newspaper, posting of upcoming council meeting agendas,
9 or such other processes as the city determines will satisfy the intent
10 of this requirement.

11 **Sec. 108.** RCW 36.72.071 and 1977 c 34 s 1 are each amended to read
12 as follows:

13 (~~All county officers shall cause all legal notices and delinquent~~
14 ~~tax lists to be advertised in the official county newspaper designated~~
15 ~~by the county legislative authority.)) (1) In accordance with
16 applicable time frame requirements, the text of each legal or official
17 notice must be posted on the county's web site and available as a paper
18 copy at a location designated by the originating county officer or
19 authority. Additionally, and in accordance with applicable time frame
20 requirements, the county must publish a summary of the content of each
21 legal or official notice in the official county newspaper designated by
22 the county legislative authority. Nothing in this section prohibits a
23 county from publishing the full text of legal or official notices in
24 the official county newspaper.~~

25 (2) For purposes of this section, a summary is a brief description
26 of fifty or fewer words that succinctly describes the main points of
27 the legal or official notice. Publication of the title of an ordinance
28 authorizing the issuance of bonds, notes, or other evidence of
29 indebtedness constitutes publication of a summary of that ordinance.
30 When the county publishes a summary, the summary must include a
31 statement that the full text of the legal or official notice is
32 available through the county's web site and at the location designated
33 by the originating county officer or authority.

34 (3) A failure to publish an ordinance does not render the ordinance
35 invalid.

1 **Sec. 109.** RCW 36.22.020 and 1995 c 194 s 2 are each amended to
2 read as follows:

3 It (~~shall be~~) is the duty of the county auditor of each county,
4 within fifteen days after the adjournment of each regular session, to
5 publish a summary of the proceedings of the legislative authority at
6 such term, in any newspaper published in the county or having a general
7 circulation therein, or the auditor may post copies of such proceedings
8 in three of the most public places in the county. The seal of the
9 county commissioners for each county, used by the county auditor as
10 clerk to attest the proceedings of the legislative authority, (~~shall~~)
11 must be and remain in the custody of the county auditor, and the
12 auditor is hereby authorized to use such seal in attestation of all
13 official acts, whether as clerk of the legislative authority, as
14 auditor or recorder of deeds; and all certificates, exemplifications of
15 records, or other acts performed as county auditor, certified under the
16 seal of the county commissioners, pursuant to this section, in this
17 state, (~~shall be~~) are as valid and legally binding as though attested
18 by a seal of office of the county auditor.

19 Publications required by this section may be in the form of a
20 summary that complies with RCW 36.72.071.

21 **Sec. 110.** RCW 36.29.010 and 2005 c 502 s 2 are each amended to
22 read as follows:

23 (1) The county treasurer must:

24 (~~(1) Shall~~) (a) Receive all money due the county and disburse it
25 on warrants issued and attested by the county auditor and electronic
26 funds transfer under RCW 39.58.750 as attested by the county auditor;

27 (~~(2) Shall~~) (b) Issue a receipt in duplicate for all money
28 received other than taxes; the treasurer (~~shall~~) must deliver
29 immediately to the person making the payment the original receipt and
30 the duplicate (~~shall~~) must be retained by the treasurer;

31 (~~(3) Shall~~) (c) Affix on the face of all paid warrants the date
32 of redemption or, in the case of proper contract between the treasurer
33 and a qualified public depository, the treasurer may consider the date
34 affixed by the financial institution as the date of redemption;

35 (~~(4) Shall~~) (d) Endorse, before the date of issue by the county
36 or by any taxing district for whom the county treasurer acts as
37 treasurer, on the face of all warrants for which there are not

1 sufficient funds for payment, "interest bearing warrant." When there
2 are funds to redeem outstanding warrants, the county treasurer
3 (~~shall~~) must give notice:

4 (~~(a)~~) (i) By publication in a legal newspaper published or
5 circulated in the county; or

6 (~~(b)~~) (ii) By posting at three public places in the county if
7 there is no such newspaper; or

8 (~~(c)~~) (iii) By notification to the financial institution holding
9 the warrant;

10 (~~(5) Shall~~) (e) Pay interest on all interest-bearing warrants
11 from the date of issue to the date of notification;

12 (~~(6) Shall~~) (f) Maintain financial records reflecting receipts
13 and disbursement by fund in accordance with generally accepted
14 accounting principles;

15 (~~(7) Shall~~) (g) Account for and pay all bonded indebtedness for
16 the county and all special districts for which the county treasurer
17 acts as treasurer; and

18 (~~(8) Shall~~) (h) Invest all funds of the county or any special
19 district in the treasurer's custody, not needed for immediate
20 expenditure, in a manner consistent with appropriate statutes. If cash
21 is needed to redeem warrants issued from any fund in the custody of the
22 treasurer, the treasurer (~~shall~~) must liquidate investments in an
23 amount sufficient to cover such warrant redemptions(~~(+and)~~).

24 (~~(9)~~) (2) The county treasurer may provide certain collection
25 services for county departments.

26 The treasurer, at the expiration of the term of office, (~~shall~~)
27 must make a complete settlement with the county legislative authority,
28 and (~~shall~~) must deliver to the successor all public money, books,
29 and papers in the treasurer's possession.

30 (3) Money received by all entities for whom the county treasurer
31 serves as treasurer must be deposited within twenty-four hours in an
32 account designated by the county treasurer unless a waiver is granted
33 by the county treasurer in accordance with RCW 43.09.240.

34 (4) Publications required by this section may be in the form of a
35 summary that complies with RCW 36.72.071.

36 **Sec. 111.** RCW 36.32.120 and 2003 c 337 s 6 are each amended to
37 read as follows:

1 (1) The legislative authorities of the several counties (~~shall~~)
2 must:
3 ((+1)) (a) Provide for the erection and repairing of court houses,
4 jails, and other necessary public buildings for the use of the county;
5 ((+2)) (b) Lay out, discontinue, or alter county roads and
6 highways within their respective counties, and do all other necessary
7 acts relating thereto according to law, except within cities and towns
8 which have jurisdiction over the roads within their limits;
9 ((+3)) (c) License and fix the rates of ferriage; grant grocery
10 and other licenses authorized by law to be by them granted at fees set
11 by the legislative authorities which (~~shall~~) may not exceed the costs
12 of administration and operation of such licensed activities;
13 ((+4)) (d) Fix the amount of county taxes to be assessed according
14 to the provisions of law, and cause the same to be collected as
15 prescribed by law;
16 ((+5)) (e) Allow all accounts legally chargeable against the
17 county not otherwise provided for, and audit the accounts of all
18 officers having the care, management, collection, or disbursement of
19 any money belonging to the county or appropriated to its benefit;
20 ((+6)) (f) Have the care of the county property and the management
21 of the county funds and business and in the name of the county
22 prosecute and defend all actions for and against the county, and such
23 other powers as are or may be conferred by law;
24 ((+7)) (g) Make and enforce, by appropriate resolutions or
25 ordinances, all such police and sanitary regulations as are not in
26 conflict with state law, and within the unincorporated area of the
27 county may adopt by reference Washington state statutes and recognized
28 codes and/or compilations printed in book form relating to the
29 construction of buildings, the installation of plumbing, the
30 installation of electric wiring, health, or other subjects, and may
31 adopt such codes and/or compilations or portions thereof, together with
32 amendments thereto, or additions thereto: PROVIDED, That except for
33 Washington state statutes, there (~~shall~~) must be filed in the county
34 auditor's office one copy of such codes and compilations ten days prior
35 to their adoption by reference, and additional copies may also be filed
36 in library or city offices within the county as deemed necessary by the
37 county legislative authority: PROVIDED FURTHER, That no such
38 regulation, code, compilation, and/or statute (~~shall be~~) is effective

1 unless before its adoption, a public hearing has been held thereon by
2 the county legislative authority of which at least ten days' notice has
3 been given. Any violation of such regulations, ordinances, codes,
4 compilations, and/or statutes or resolutions (~~shall~~) constitutes a
5 misdemeanor or a civil violation subject to a monetary penalty:
6 PROVIDED FURTHER, That violation of a regulation, ordinance, code,
7 compilation, and/or statute relating to traffic including parking,
8 standing, stopping, and pedestrian offenses is a traffic infraction,
9 except that violation of a regulation, ordinance, code, compilation,
10 and/or statute equivalent to those provisions of Title 46 RCW set forth
11 in RCW 46.63.020 remains a misdemeanor. However, the punishment for
12 any criminal ordinance (~~shall~~) must be the same as the punishment
13 provided in state law for the same crime and no act that is a state
14 crime may be made a civil violation. The notice must set out a copy of
15 the proposed regulations or summarize the content of each proposed
16 regulation; or if a code is adopted by reference the notice (~~shall~~)
17 must set forth the full official title and a statement describing the
18 general purpose of such code. For purposes of this subsection (1)(g),
19 a summary (~~shall~~) means a brief description which succinctly
20 describes the main points of the proposed regulation. When the county
21 publishes a summary, the publication (~~shall~~) must include a statement
22 that the full text of the proposed regulation will be mailed upon
23 request. An inadvertent mistake or omission in publishing the text or
24 a summary of the content of a proposed regulation (~~shall~~) may not
25 render the regulation invalid if it is adopted. The notice (~~shall~~)
26 must also include the day, hour, and place of hearing and must be given
27 by publication in the newspaper in which legal notices of the county
28 are printed;

29 ~~((+8))~~ (h) Have power to compound and release in whole or in part
30 any debt due to the county when in their opinion the interest of their
31 county will not be prejudiced thereby, except in cases where they or
32 any of them are personally interested;

33 ~~((+9))~~ (i) Have power to administer oaths or affirmations
34 necessary in the discharge of their duties and commit for contempt any
35 witness refusing to testify before them with the same power as district
36 judges;

37 ~~((+10))~~ (j) Have power to declare by ordinance what (~~shall be~~)
38 is deemed a nuisance within the county, including but not limited to

1 "litter" and "potentially dangerous litter" as defined in RCW
2 70.93.030; to prevent, remove, and abate a nuisance at the expense of
3 the parties creating, causing, or committing the nuisance; and to levy
4 a special assessment on the land or premises on which the nuisance is
5 situated to defray the cost, or to reimburse the county for the cost of
6 abating it. This assessment (~~shall~~) constitutes a lien against the
7 property which (~~shall be~~) is of equal rank with state, county, and
8 municipal taxes.

9 (2) Publications required by this section may be in the form of a
10 summary that complies with RCW 36.72.071.

11 **Sec. 112.** RCW 36.32.235 and 2009 c 229 s 6 are each amended to
12 read as follows:

13 (1) In each county with a population of four hundred thousand or
14 more which by resolution establishes a county purchasing department,
15 the purchasing department (~~shall~~) must enter into leases of personal
16 property on a competitive basis and purchase all supplies, materials,
17 and equipment on a competitive basis, for all departments of the
18 county, as provided in this chapter and chapter 39.04 RCW, except that
19 the county purchasing department is not required to make purchases that
20 are paid from the county road fund or equipment rental and revolving
21 fund.

22 (2) As used in this section, "public works" has the same definition
23 as in RCW 39.04.010.

24 (3) Except as otherwise specified in this chapter or in chapter
25 36.77 RCW, all counties subject to these provisions (~~shall~~) must
26 contract on a competitive basis for all public works after bids have
27 been submitted to the county upon specifications therefor. Such
28 specifications (~~shall~~) must be in writing and (~~shall~~) must be filed
29 with the clerk of the county legislative authority for public
30 inspection.

31 (4) An advertisement (~~shall~~) must be published in the county
32 official newspaper stating the time and place where bids will be
33 opened, the time after which bids will not be received, the character
34 of the work to be done, the materials and equipment to be furnished,
35 and that specifications therefor may be seen at the office of the clerk
36 of the county legislative authority. An advertisement (~~shall~~) must
37 also be published in a legal newspaper of general circulation in or as

1 near as possible to that part of the county in which such work is to be
2 done. If the county official newspaper is a newspaper of general
3 circulation covering at least forty percent of the residences in that
4 part of the county in which such public works are to be done, then the
5 publication of an advertisement of the applicable specifications in the
6 county official newspaper is sufficient. Such advertisements (~~shall~~)
7 must be published at least once at least thirteen days prior to the
8 last date upon which bids will be received.

9 (5) The bids (~~shall~~) must be in writing, (~~shall~~) must be filed
10 with the clerk, (~~shall~~) must be opened and read in public at the time
11 and place named therefor in the advertisements, and after being opened,
12 (~~shall~~) must be filed for public inspection. No bid may be
13 considered for public work unless it is accompanied by a bid deposit in
14 the form of a surety bond, postal money order, cash, cashier's check,
15 or certified check in an amount equal to five percent of the amount of
16 the bid proposed.

17 (6) The contract for the public work (~~shall~~) must be awarded to
18 the lowest responsible bidder. Any or all bids may be rejected for
19 good cause. The county legislative authority (~~shall~~) must require
20 from the successful bidder for such public work a contractor's bond in
21 the amount and with the conditions imposed by law.

22 (7) If the bidder to whom the contract is awarded fails to enter
23 into the contract and furnish the contractor's bond as required within
24 ten days after notice of the award, exclusive of the day of notice, the
25 amount of the bid deposit (~~shall be~~) is forfeited to the county and
26 the contract awarded to the next lowest and best bidder. The bid
27 deposit of all unsuccessful bidders (~~shall~~) must be returned after
28 the contract is awarded and the required contractor's bond given by the
29 successful bidder is accepted by the county legislative authority.
30 Immediately after the award is made, the bid quotations obtained
31 (~~shall~~) must be recorded and open to public inspection and (~~shall~~)
32 must be available by telephone inquiry.

33 (8)(a) As limited by subsection (10) of this section, a county
34 subject to these provisions may have public works performed by county
35 employees in any annual or biennial budget period equal to a dollar
36 value not exceeding ten percent of the public works construction
37 budget, including any amount in a supplemental public works
38 construction budget, over the budget period.

1 **(b)** Whenever a county subject to these provisions has had public
2 works performed in any budget period up to the maximum permitted amount
3 for that budget period, all remaining public works except emergency
4 work under subsection (12) of this section within that budget period
5 (~~shall~~) must be done by contract pursuant to public notice and call
6 for competitive bids as specified in subsection (3) of this section.
7 The state auditor (~~shall~~) must report to the state treasurer any
8 county subject to these provisions that exceeds this amount and the
9 extent to which the county has or has not reduced the amount of public
10 works it has performed by public employees in subsequent years.

11 (9) If a county subject to these provisions has public works
12 performed by public employees in any budget period that are in excess
13 of this ten percent limitation, the amount in excess of the permitted
14 amount (~~shall~~) must be reduced from the otherwise permitted amount of
15 public works that may be performed by public employees for that county
16 in its next budget period. Ten percent of the motor vehicle fuel tax
17 distributions to that county (~~shall~~) must be withheld if two years
18 after the year in which the excess amount of work occurred, the county
19 has failed to so reduce the amount of public works that it has
20 performed by public employees. The amount withheld (~~shall~~) must be
21 distributed to the county when it has demonstrated in its reports to
22 the state auditor that the amount of public works it has performed by
23 public employees has been reduced as required.

24 (10)**(a)** In addition to the percentage limitation provided in
25 subsection (8) of this section, counties subject to these provisions
26 containing a population of four hundred thousand or more (~~shall~~) may
27 not have public employees perform a public works project in excess of
28 ninety thousand dollars if more than a single craft or trade is
29 involved with the public works project, or a public works project in
30 excess of forty-five thousand dollars if only a single craft or trade
31 is involved with the public works project. A public works project
32 means a complete project. The restrictions in this subsection do not
33 permit the division of the project into units of work or classes of
34 work to avoid the restriction on work that may be performed by public
35 employees on a single project.

36 **(b)** The cost of a separate public works project (~~shall be~~) is the
37 costs of materials, supplies, equipment, and labor on the construction

1 of that project. The value of the public works budget (~~shall be~~) is
2 the value of all the separate public works projects within the budget.

3 (11)(a) In addition to the accounting and recordkeeping
4 requirements contained in chapter 39.04 RCW, any county which uses
5 public employees to perform public works projects under RCW
6 36.32.240(1) (~~shall~~) must prepare a year-end report to be submitted
7 to the state auditor indicating the total dollar amount of the county's
8 public works construction budget and the total dollar amount for public
9 works projects performed by public employees for that year.

10 (b) The year-end report submitted pursuant to this subsection to
11 the state auditor (~~shall~~) must be in accordance with the standard
12 form required by RCW 43.09.205.

13 (12) Notwithstanding any other provision in this section, counties
14 may use public employees without any limitation for emergency work
15 performed under an emergency declared pursuant to RCW 36.32.270, and
16 any such emergency work (~~shall~~) is not (~~be~~) subject to the
17 limitations of this section. Publication of the description and
18 estimate of costs relating to correcting the emergency may be made
19 within seven days after the commencement of the work. Within two weeks
20 of the finding that such an emergency existed, the county legislative
21 authority (~~shall~~) must adopt a resolution certifying the damage to
22 public facilities and costs incurred or anticipated relating to
23 correcting the emergency. Additionally this section (~~shall~~) does not
24 apply to architectural and engineering or other technical or
25 professional services performed by public employees in connection with
26 a public works project.

27 (13)(a) In lieu of the procedures of subsections (3) through (11)
28 of this section, a county may let contracts using the small works
29 roster process provided in RCW 39.04.155.

30 (b) Whenever possible, the county (~~shall~~) must invite at least
31 one proposal from a minority or woman contractor who (~~shall~~) must
32 otherwise qualify under this section.

33 (14) The allocation of public works projects to be performed by
34 county employees (~~shall~~) are not (~~be~~) subject to a collective
35 bargaining agreement.

36 (15) This section does not apply to performance-based contracts, as
37 defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A
38 RCW.

1 (16) Nothing in this section prohibits any county from allowing for
2 preferential purchase of products made from recycled materials or
3 products that may be recycled or reused.

4 (17) This section does not apply to contracts between the public
5 stadium authority and a team affiliate under RCW 36.102.060(4), or
6 development agreements between the public stadium authority and a team
7 affiliate under RCW 36.102.060(7) or leases entered into under RCW
8 36.102.060(8).

9 (18) Publications required by this section may be in the form of a
10 summary that complies with RCW 36.72.071.

11 **Sec. 113.** RCW 36.32.245 and 2007 c 88 s 1 are each amended to read
12 as follows:

13 (1) No contract for the purchase of materials, equipment, or
14 supplies may be entered into by the county legislative authority or by
15 any elected or appointed officer of the county until after bids have
16 been submitted to the county. Bid specifications (~~(shall)~~) must be in
17 writing and (~~(shall)~~) must be filed with the clerk of the county
18 legislative authority for public inspection. An advertisement
19 (~~(shall)~~) must be published in the official newspaper of the county
20 stating the time and place where bids will be opened, the time after
21 which bids will not be received, the materials, equipment, supplies, or
22 services to be purchased, and that the specifications may be seen at
23 the office of the clerk of the county legislative authority. The
24 advertisement (~~(shall)~~) must be published at least once at least
25 thirteen days prior to the last date upon which bids will be received.

26 (2) The bids (~~(shall)~~) must be in writing and filed with the clerk.
27 The bids (~~(shall)~~) must be opened and read in public at the time and
28 place named in the advertisement. Contracts requiring competitive
29 bidding under this section may be awarded only to the lowest
30 responsible bidder. Immediately after the award is made, the bid
31 quotations (~~(shall)~~) must be recorded and open to public inspection and
32 (~~(shall)~~) must be available by telephone inquiry. Any or all bids may
33 be rejected for good cause.

34 (3) For advertisement and formal sealed bidding to be dispensed
35 with as to purchases between five thousand and twenty-five thousand
36 dollars, the county legislative authority must use the uniform process
37 to award contracts as provided in RCW 39.04.190. Advertisement and

1 formal sealed bidding may be dispensed with as to purchases of less
2 than five thousand dollars upon the order of the county legislative
3 authority.

4 (4) This section does not apply to performance-based contracts, as
5 defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A
6 RCW; or contracts and purchases for the printing of election ballots,
7 voting machine labels, and all other election material containing the
8 names of candidates and ballot titles.

9 (5) Nothing in this section (~~shall~~) prohibits the legislative
10 authority of any county from allowing for preferential purchase of
11 products made from recycled materials or products that may be recycled
12 or reused.

13 (6) This section does not apply to contracting for public defender
14 services by a county.

15 (7) Publications required by this section may be in the form of a
16 summary that complies with RCW 36.72.071.

17 **Sec. 114.** RCW 36.32.250 and 2009 c 229 s 8 are each amended to
18 read as follows:

19 (1) No contract for public works may be entered into by the county
20 legislative authority or by any elected or appointed officer of the
21 county until after bids have been submitted to the county upon
22 specifications therefor. Such specifications (~~shall~~) must be in
23 writing and (~~shall~~) must be filed with the clerk of the county
24 legislative authority for public inspection. An advertisement
25 (~~shall~~) must be published in the county official newspaper stating
26 the time and place where bids will be opened, the time after which bids
27 will not be received, the character of the work to be done, the
28 materials and equipment to be furnished, and that specifications
29 therefor may be seen at the office of the clerk of the county
30 legislative authority. An advertisement (~~shall~~) must also be
31 published in a legal newspaper of general circulation in or as near as
32 possible to that part of the county in which such work is to be done.
33 If the county official newspaper is a newspaper of general circulation
34 covering at least forty percent of the residences in that part of the
35 county in which such public works are to be done, then the publication
36 of an advertisement of the applicable specifications in the county
37 official newspaper (~~shall be~~) is sufficient. Such advertisements

1 ((shall)) must be published at least once at least thirteen days prior
2 to the last date upon which bids will be received. The bids ((shall))
3 must be in writing, ((shall)) must be filed with the clerk, ((shall))
4 must be opened and read in public at the time and place named therefor
5 in the advertisements, and after being opened, ((shall)) must be filed
6 for public inspection. No bid may be considered for public work unless
7 it is accompanied by a bid deposit in the form of a surety bond, postal
8 money order, cash, cashier's check, or certified check in an amount
9 equal to five percent of the amount of the bid proposed. The contract
10 for the public work ((shall)) must be awarded to the lowest responsible
11 bidder. Any or all bids may be rejected for good cause. The county
12 legislative authority ((shall)) must require from the successful bidder
13 for such public work a contractor's bond in the amount and with the
14 conditions imposed by law. If the bidder to whom the contract is
15 awarded fails to enter into the contract and furnish the contractor's
16 bond as required within ten days after notice of the award, exclusive
17 of the day of notice, the amount of the bid deposit ((shall-be)) is
18 forfeited to the county and the contract awarded to the next lowest and
19 best bidder. A low bidder who claims error and fails to enter into a
20 contract is prohibited from bidding on the same project if a second or
21 subsequent call for bids is made for the project. The bid deposit of
22 all unsuccessful bidders ((shall)) must be returned after the contract
23 is awarded and the required contractor's bond given by the successful
24 bidder is accepted by the county legislative authority. In the letting
25 of any contract for public works involving less than forty thousand
26 dollars, advertisement and competitive bidding may be dispensed with on
27 order of the county legislative authority. Immediately after the award
28 is made, the bid quotations obtained ((shall)) must be recorded and
29 open to public inspection and ((shall)) must be available by telephone
30 inquiry.

31 (2) As an alternative to requirements under this section, a county
32 may let contracts using the small works roster process under RCW
33 39.04.155.

34 (3) This section does not apply to performance-based contracts, as
35 defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A
36 RCW.

37 (4) Publications required by this section may be in the form of a
38 summary that complies with RCW 36.72.071.

1 **Sec. 115.** RCW 36.34.020 and 1991 c 363 s 66 are each amended to
2 read as follows:

3 (1) Whenever the county legislative authority desires to dispose of
4 any county property except:

5 ~~((+1))~~ (a) When selling to a governmental agency;

6 ~~((+2))~~ (b) When personal property to be disposed of is to be
7 traded in upon the purchase of a like article;

8 ~~((+3))~~ (c) When the value of the property to be sold is less than
9 two thousand five hundred dollars;

10 ~~((+4))~~ (d) When the county legislative authority by a resolution
11 setting forth the facts has declared an emergency to exist;

12 it ~~((shall))~~ must publish notice of its intention so to do once each
13 week during two successive weeks in a legal newspaper of general
14 circulation in the county.

15 (2) Publications required by this section may be in the form of a
16 summary that complies with RCW 36.72.071.

17 **Sec. 116.** RCW 36.34.090 and 1997 c 393 s 5 are each amended to
18 read as follows:

19 (1) Whenever county property is to be sold at public auction,
20 consignment auction, or sealed bid, the county treasurer or the county
21 treasurer's designee ~~((shall))~~ must publish notice thereof once during
22 each of two successive calendar weeks in a newspaper of general
23 circulation in the county. Notice thereof must also be posted in a
24 conspicuous place in the courthouse. The posting and date of first
25 publication must be at least ten days before the day fixed for the
26 sale.

27 (2) Publications required by this section may be in the form of a
28 summary that complies with RCW 36.72.071.

29 **Sec. 117.** RCW 36.34.160 and 1963 c 4 s 36.34.160 are each amended
30 to read as follows:

31 (1) When, in the judgment of the board of county commissioners, it
32 is found desirable to lease the land applied for, it ~~((shall))~~ must
33 first give notice of its intention to make such lease by publishing a
34 notice in a legal newspaper at least once a week for the term of three
35 weeks, and ~~((shall))~~ must also post a notice of such intention in a
36 conspicuous place in the courthouse for the same length of time. The

1 notice so published and posted (~~shall~~) must designate and describe
2 the property which is proposed to be leased, together with the
3 improvements thereon and appurtenances thereto, and (~~shall~~) must
4 contain a notice that the board of county commissioners will meet at
5 the county courthouse on a day and at an hour designated in the notice,
6 for the purpose of leasing the property which day and hour (~~shall~~)
7 must be at a time not more than a week after the expiration of the time
8 required for the publication of the notice.

9 (2) Publications required by this section may be in the form of a
10 summary that complies with RCW 36.72.071.

11 **Sec. 118.** RCW 36.34.170 and 1963 c 4 s 36.34.170 are each amended
12 to read as follows:

13 (1) Any person may appear at the meeting of the county
14 commissioners or any adjourned meeting thereof, and make objection to
15 the leasing of the property, which objection (~~shall~~) must be stated
16 in writing. In passing upon objections the board of county
17 commissioners (~~shall~~) must, in writing, briefly give its reasons for
18 accepting or rejecting the same, and such objections, and the reasons
19 for accepting or refusing the application, (~~shall~~) must be published
20 by the board in the next subsequent weekly issue of the newspaper in
21 which the notice of hearing was published.

22 (2) Publications required by this section may be in the form of a
23 summary that complies with RCW 36.72.071.

24 **Sec. 119.** RCW 36.35.120 and 2001 c 299 s 10 are each amended to
25 read as follows:

26 (1) Real property acquired by any county of this state by
27 foreclosure of delinquent taxes may be sold by order of the county
28 legislative authority of the county when in the judgment of the county
29 legislative authority it is deemed in the best interests of the county
30 to sell the real property.

31 (2) When the legislative authority desires to sell any such
32 property it may, if deemed advantageous to the county, combine any or
33 all of the several lots and tracts of such property in one or more
34 units, and may reserve from sale coal, oil, gas, gravel, minerals,
35 ores, fossils, timber, or other resources on or in the lands, and the
36 right to mine for and remove the same, and it (~~shall~~) must then enter

1 an order on its records fixing the unit or units in which the property
2 (~~shall~~) must be sold and the minimum price for each of such units,
3 and whether the sale will be for cash or whether a contract will be
4 offered, and reserving from sale such of the resources as it may
5 determine and from which units such reservations (~~shall~~) apply, and
6 directing the county treasurer to sell such property in the unit or
7 units and at not less than the price or prices and subject to such
8 reservations so fixed by the county legislative authority. The order
9 (~~shall be~~) is subject to the approval of the county treasurer if
10 several lots or tracts of land are combined in one unit.

11 (3) Except in cases where the sale is to be by direct negotiation
12 as provided in RCW 36.35.150, it (~~shall be~~) is the duty of the county
13 treasurer upon receipt of such order to publish once a week for three
14 consecutive weeks a notice of the sale of such property in a newspaper
15 of general circulation in the county where the land is situated. The
16 notice (~~shall~~) must describe the property to be sold, the unit or
17 units, the reservations, and the minimum price fixed in the order,
18 together with the time and place and terms of sale, in the same manner
19 as foreclosure sales as provided by RCW 84.64.080.

20 (4) The person making the bid (~~shall~~) must state whether he or
21 she will pay cash for the amount of his or her bid or accept a real
22 estate contract of purchase in accordance with the provisions
23 hereinafter contained. The person making the highest bid (~~shall~~)
24 becomes the purchaser of the property. If the highest bidder is a
25 contract bidder the purchaser (~~shall be~~) is required to pay thirty
26 percent of the total purchase price at the time of the sale and
27 (~~shall~~) must enter into a contract with the county as vendor and the
28 purchaser as vendee which (~~shall~~) obligates and requires the
29 purchaser to pay the balance of the purchase price in ten equal annual
30 installments commencing November 1st and each year following the date
31 of the sale, and (~~shall~~) must require the purchaser to pay twelve
32 percent interest on all deferred payments, interest to be paid at the
33 time the annual installment is due; and may contain a provision
34 authorizing the purchaser to make payment in full at any time of any
35 balance due on the total purchase price plus accrued interest on such
36 balance. The contract (~~shall~~) must contain a provision requiring the
37 purchaser to pay before delinquency all subsequent taxes and
38 assessments that may be levied or assessed against the property

1 subsequent to the date of the contract, and (~~shall~~) must contain a
2 provision that time is of the essence of the contract and that in event
3 of a failure of the vendee to make payments at the time and in the
4 manner required and to keep and perform the covenants and conditions
5 therein required of him or her that the contract may be forfeited and
6 terminated at the election of the vendor, and that in event of the
7 election all sums theretofore paid by the vendee (~~shall~~) must be
8 forfeited as liquidated damages for failure to comply with the
9 provisions of the contract; and (~~shall~~) must require the vendor to
10 execute and deliver to the vendee a deed of conveyance covering the
11 property upon the payment in full of the purchase price, plus accrued
12 interest.

13 (5) The county legislative authority may, by order entered in its
14 records, direct the coal, oil, gas, gravel, minerals, ores, timber, or
15 other resources sold apart from the land, such sale to be conducted in
16 the manner hereinabove prescribed for the sale of the land. Any such
17 reserved minerals or resources not exceeding two hundred dollars in
18 value may be sold, when the county legislative authority deems it
19 advisable, either with or without such publication of the notice of
20 sale, and in such manner as the county legislative authority may
21 determine will be most beneficial to the county.

22 (6) Publications required by this section may be in the form of a
23 summary that complies with RCW 36.72.071.

24 **Sec. 120.** RCW 36.35.180 and 2009 c 549 s 4075 are each amended to
25 read as follows:

26 (1) Upon filing a copy of the summons and notice in the office of
27 the county clerk, service thereof as against every interest in and
28 claim against any and every part of the property described in such
29 summons and notice, and every person, firm, or corporation, except one
30 who is in the actual, open and notorious possession of any of the
31 properties, (~~shall~~) must be had by publication in the official county
32 newspaper for six consecutive weeks; and no affidavit for publication
33 of such summons and notice (~~shall be~~) is required. In case special
34 assessments imposed by a city or town against any of the real property
35 described in the summons and notice remain outstanding, a copy of the
36 same (~~shall~~) must be served on the treasurer of the city or town

1 within which such real property is situated within five days after such
2 summons and notice is filed.

3 (2) The summons and notice in such action (~~shall~~) must contain
4 the title of the court; specify in general terms the years for which
5 the taxes were levied and the amount of the taxes and the costs for
6 which each tract of land was sold; give the legal description of each
7 tract of land involved, and the tax record owner thereof during the
8 years in which the taxes for which the property was sold were levied;
9 state that the purpose of the action is to foreclose all adverse claims
10 of every nature in and to the property described, and to have the title
11 of existing liens and claims of every nature against the described real
12 property, except that of the county, forever barred.

13 (3) The summons and notice (~~shall~~) must also summon all persons,
14 firms and corporations claiming any right, title and interest in and to
15 the described real property to appear within sixty days after the date
16 of the first publication, specifying the day and year, and state in
17 writing what right, title and interest they have or claim to have in
18 and to the property described, and file the same with the clerk of the
19 court above named; and (~~shall~~) must notify them that in case of their
20 failure so to do, judgment will be rendered determining that the title
21 to the real property is in the county free from all existing adverse
22 interests, rights or claims whatsoever(~~(:—PROVIDED, That)~~). However,
23 in case any of the lands involved is in the actual, open and notorious
24 possession of anyone at the time the summons and notice is filed, as
25 herein provided, a copy of the same modified as herein specified
26 (~~shall~~) must be served personally upon such person in the same manner
27 as summons is served in civil actions generally. The summons (~~shall~~)
28 must be substantially in the form above outlined, except that in lieu
29 of the statement relative to the date and day of publication it
30 (~~shall~~) must require the person served to appear within twenty days
31 after the day of service, exclusive of the date of service, and that
32 the day of service need not be specified therein, and except further
33 that the recitals regarding the amount of the taxes and costs and the
34 years the same were levied, the legal description of the land and the
35 tax record owner thereof may be omitted except as to the land occupied
36 by the persons served.

37 (4) Every summons and notice provided for in RCW 36.35.160 through
38 36.35.270 (~~shall~~) must be subscribed by the prosecuting attorney of

1 the county, or by any successor or assign of the county or his or her
2 attorney, as the case may be, followed by the post office address of
3 the successor or assign.

4 (5) Publications required by this section may be in the form of a
5 summary that complies with RCW 36.72.071.

6 **Sec. 121.** RCW 36.36.020 and 1985 c 425 s 2 are each amended to
7 read as follows:

8 (1) The county legislative authority of a county may create one or
9 more aquifer protection areas for the purpose of funding the
10 protection, preservation, and rehabilitation of subterranean water.

11 (2) When a county legislative authority proposes to create an
12 aquifer protection area it (~~shall~~) must conduct a public hearing on
13 the proposal. Notice of the public hearing (~~shall~~) must be published
14 at least once, not less than ten days prior to the hearing, in a
15 newspaper of general circulation within the proposed aquifer protection
16 area. The public hearing may be continued to other times, dates, and
17 places announced at the public hearing, without publication of the
18 notice. At the public hearing, the county legislative authority
19 (~~shall~~) must hear objections and comments from anyone interested in
20 the proposed aquifer protection area.

21 (3) After the public hearing, the county legislative authority may
22 adopt a resolution causing a ballot proposition to be submitted to the
23 registered voters residing within the proposed aquifer protection area
24 to authorize the creation of the aquifer protection area, if the county
25 legislative authority finds that the creation of the aquifer protection
26 area would be in the public interest. The resolution (~~shall~~) must:
27 (~~(1)~~) (a) Describe the boundaries of the proposed aquifer protection
28 area; (~~(2)~~) (b) find that its creation is in the public interest;
29 (~~(3)~~) (c) state the maximum level of fees for the withdrawal of
30 water, or on-site sewage disposal, occurring in the aquifer protection
31 area, or both; and (~~(4)~~) (d) describe the uses for the fees.

32 (4) An aquifer protection area (~~shall~~) must be created by
33 ordinances of the county if the voters residing in the proposed aquifer
34 protection area approve the ballot proposition by a simple majority
35 vote. The ballot proposition (~~shall~~) must be in substantially the
36 following form:

37 "Shall the . . . (insert the name) aquifer protection area be

1 created and authorized to impose monthly fees on . . . (insert
2 "the withdrawal of water" or "on-site sewage disposal") of not
3 to exceed . . . (insert a dollar amount) per household unit for
4 up to . . . (insert a number of years) to finance . . . (insert
5 the type of activities proposed to be financed)?

- 6 Yes
- 7 No"

8 If both types of monthly fees are proposed to be imposed, maximum rates
9 for each (~~shall~~) must be included in the ballot proposition.

10 (5) An aquifer protection area may not include territory located
11 within a city or town without the approval of the city or town
12 governing body, nor may it include territory located in the
13 unincorporated area of another county without the approval of the
14 county legislative authority of that county.

15 (6) Publications required by this section may be in the form of a
16 summary that complies with RCW 36.72.071.

17 **Sec. 122.** RCW 36.38.030 and 1963 c 4 s 36.38.030 are each amended
18 to read as follows:

19 (1) The ordinance levying and fixing the tax (~~shall~~) must be
20 headed by a title expressing the subject thereof, and the style of the
21 ordinance (~~shall~~) must be: "Be it ordained by the Board of County
22 Commissioners of County, State of Washington." The
23 ordinance (~~shall~~) must be enacted by a majority vote of the board at
24 a regular meeting thereof, and only after the form of such ordinance as
25 ultimately enacted has been on file with the clerk of the board and
26 open to public inspection for not less than ten days. The ordinance
27 (~~shall~~) does not become effective until thirty days following its
28 enactment, and within five days following its enactment it (~~shall~~)
29 must be printed and published in a newspaper of general circulation in
30 the county. The ordinance (~~shall~~) must be signed by a majority of
31 the board, attested by the clerk of the board, and (~~shall~~) must be
32 duly entered and recorded in the book wherein orders of the board are
33 entered and recorded. The ordinance may be at any time amended or
34 repealed by an ordinance enacted, published, and recorded in the same
35 manner.

36 (2) Publications required by this section may be in the form of a
37 summary that complies with RCW 36.72.071.

1 **Sec. 123.** RCW 36.40.060 and 1985 c 469 s 47 are each amended to
2 read as follows:

3 (1) The county legislative authority (~~shall~~) must then publish a
4 notice stating that it has completed and placed on file its preliminary
5 budget for the county for the ensuing fiscal year, a copy of which will
6 be furnished any citizen who will call at its office for it, and that
7 it will meet on the first Monday in October thereafter for the purpose
8 of fixing the final budget and making tax levies, designating the time
9 and place of the meeting, and that any taxpayer may appear thereat and
10 be heard for or against any part of the budget. The notice (~~shall~~)
11 must be published once each week for two consecutive weeks immediately
12 following adoption of the preliminary budget in the official newspaper
13 of the county. The county legislative authority (~~shall~~) must provide
14 a sufficient number of copies of the detailed and comparative
15 preliminary budget to meet the reasonable demands of taxpayers therefor
16 and the same (~~shall~~) must be available for distribution not later
17 than two weeks immediately preceding the first Monday in October.

18 (2) Publications required by this section may be in the form of a
19 summary that complies with RCW 36.72.071.

20 **Sec. 124.** RCW 36.40.100 and 1985 c 469 s 48 are each amended to
21 read as follows:

22 (1) The estimates of expenditures itemized and classified as
23 required in RCW 36.40.040 and as finally fixed and adopted in detail by
24 the board of county commissioners (~~shall~~) constitute the
25 appropriations for the county for the ensuing fiscal year; and every
26 county official (~~shall be~~) is limited in the making of expenditures
27 or the incurring of liabilities to the amount of the detailed
28 appropriation items or classes respectively: PROVIDED, That upon a
29 resolution formally adopted by the board at a regular or special
30 meeting and entered upon the minutes, transfers or revisions within
31 departments, or supplemental appropriations to the budget from
32 unanticipated federal or state funds may be made: PROVIDED FURTHER,
33 That the board (~~shall~~) must publish notice of the time and date of
34 the meeting at which the supplemental appropriations resolution will be
35 adopted, and the amount of the appropriation, once each week, for two
36 consecutive weeks prior to the meeting in the official newspaper of the
37 county.

1 (2) Publications required by this section may be in the form of a
2 summary that complies with RCW 36.72.071.

3 **Sec. 125.** RCW 36.40.140 and 1969 ex.s. c 185 s 3 are each amended
4 to read as follows:

5 When a public emergency, other than such as are specifically
6 described in RCW 36.40.180, and which could not reasonably have been
7 foreseen at the time of making the budget, requires the expenditure of
8 money not provided for in the budget, the board of county commissioners
9 by majority vote of the commissioners at any meeting the time and place
10 of which all the commissioners have had reasonable notice, (~~shall~~)
11 must adopt and enter upon its minutes a resolution stating the facts
12 constituting the emergency and the estimated amount of money required
13 to meet it, and (~~shall~~) must publish the same, together with a notice
14 that a public hearing thereon will be held at the time and place
15 designated therein, which (~~shall~~) may not be less than one week after
16 the date of publication, at which any taxpayer may appear and be heard
17 for or against the expenditure of money for the alleged emergency. The
18 resolution and notice (~~shall~~) must be published once in the official
19 county newspaper, or if there is none, in a legal newspaper in the
20 county. Upon the conclusion of the hearing, if the board of county
21 commissioners approves it, an order (~~shall~~) must be made and entered
22 upon its official minutes by a majority vote of all the members of the
23 board setting forth the facts constituting the emergency, together with
24 the amount of expenditure authorized, which order, so entered, (~~shall~~
25 ~~be~~) is lawful authorization to expend said amount for such purpose
26 unless a review is applied for within five days thereafter.

27 Publications required by this section may be in the form of a
28 summary that complies with RCW 36.72.071.

29 **Sec. 126.** RCW 36.55.040 and 1985 c 469 s 49 are each amended to
30 read as follows:

31 (1) On application being made to the county legislative authority
32 for franchise, it (~~shall~~) must fix a time and place for hearing the
33 same, and (~~shall~~) must cause the county auditor to give public notice
34 thereof at the expense of the applicant, by posting notices in three
35 public places in the county seat of the county at least fifteen days
36 before the day fixed for the hearing. The county legislative authority

1 (~~shall~~) must also publish a like notice two times in the official
2 newspaper of the county, the last publication to be not less than five
3 days before the day fixed for the hearing. The notice (~~shall~~) must
4 state the name or names of the applicant or applicants, a description
5 of the county roads by reference to section, township and range in
6 which the county roads or portions thereof are physically located, to
7 be included in the franchise for which the application is made, and the
8 time and place fixed for the hearing.

9 (2) Publications required by this section may be in the form of a
10 summary that complies with RCW 36.72.071.

11 **Sec. 127.** RCW 36.58.090 and 1992 c 131 s 4 are each amended to
12 read as follows:

13 (1) Notwithstanding the provisions of any county charter or any law
14 to the contrary, and in addition to any other authority provided by
15 law, the legislative authority of a county may contract with one or
16 more vendors for one or more of the design, construction, or operation
17 of, or other service related to, the solid waste handling systems,
18 plants, sites, or other facilities in accordance with the procedures
19 set forth in this section. When a contract for design services is
20 entered into separately from other services permitted under this
21 section, procurement (~~shall~~) must be in accord with chapter 39.80
22 RCW. For the purpose of this chapter, the term "legislative authority"
23 (~~shall~~) means the board of county commissioners or, in the case of a
24 home rule charter county, the official, officials, or public body
25 designated by the charter to perform the functions authorized therein.

26 (2) If the legislative authority of the county decides to proceed
27 with the consideration of qualifications or proposals for services from
28 vendors, the county (~~shall~~) must publish notice of its requirements
29 and request submission of qualifications statements or proposals. The
30 notice (~~shall~~) must be published in the official newspaper of the
31 county at least once a week for two weeks not less than sixty days
32 before the final date for the submission of qualifications statements
33 or proposals. The notice (~~shall~~) must state in summary form (a) the
34 general scope and nature of the design, construction, operation, or
35 other service, (b) the name and address of a representative of the
36 county who can provide further details, (c) the final date for the
37 submission of qualifications statements or proposals, (d) an estimated

1 schedule for the consideration of qualifications, the selection of
2 vendors, and the negotiation of a contract or contracts for services,
3 (e) the location at which a copy of any request for qualifications or
4 request for proposals will be made available, and (f) the criteria
5 established by the legislative authority to select a vendor or vendors,
6 which may include but (~~shall~~) may not be limited to the vendor's
7 prior experience, including design, construction, or operation of other
8 similar facilities; respondent's management capability, schedule
9 availability and financial resources; cost of the services, nature of
10 facility design proposed by the vendor; system reliability; performance
11 standards required for the facilities; compatibility with existing
12 service facilities operated by the public body or other providers of
13 service to the public; project performance guarantees; penalty and
14 other enforcement provisions; environmental protection measures to be
15 used; consistency with the applicable comprehensive solid waste
16 management plan; and allocation of project risks.

17 (3) If the legislative authority of the county decides to proceed
18 with the consideration of qualifications or proposals, it may designate
19 a representative to evaluate the vendors who submitted qualifications
20 statements or proposals and conduct discussions regarding
21 qualifications or proposals with one or more vendors. The legislative
22 authority or representative may request submission of qualifications
23 statements and may later request more detailed proposals from one or
24 more vendors who have submitted qualifications statements, or the
25 representative may request detailed proposals without having first
26 received and evaluated qualifications statements. The representative
27 (~~shall~~) must evaluate the qualifications or proposals, as applicable.
28 If two or more vendors submit qualifications or proposals that meet the
29 criteria established by the legislative authority of the county,
30 discussions and interviews (~~shall~~) must be held with at least two
31 vendors. Any revisions to a request for qualifications or request for
32 proposals (~~shall~~) must be made available to all vendors then under
33 consideration by the city or town and (~~shall~~) must be made available
34 to any other person who has requested receipt of that information.

35 (4) Based on criteria established by the legislative authority of
36 the county, the representative (~~shall~~) must recommend to the
37 legislative authority a vendor or vendors that are initially determined
38 to be the best qualified to provide one or more of the design,

1 construction, or operation of, or other service related to, the
2 proposed project or services. The legislative authority may select one
3 or more qualified vendors for one or more of the design, construction,
4 or operation of, or other service related to, the proposed project or
5 services.

6 (5) The legislative authority or its representative may attempt to
7 negotiate a contract with the vendor or vendors selected for one or
8 more of the design, construction, or operation of, or other service
9 related to, the proposed project or services on terms that the
10 legislative authority determines to be fair and reasonable and in the
11 best interest of the county. If the legislative authority or its
12 representative is unable to negotiate such a contract with any one or
13 more of the vendors first selected on terms that it determines to be
14 fair and reasonable and in the best interest of the county,
15 negotiations with any one or more of the vendors (~~shall~~) must be
16 terminated or suspended and another qualified vendor or vendors may be
17 selected in accordance with the procedures set forth in this section.
18 If the legislative authority decides to continue the process of
19 selection, negotiations (~~shall~~) must continue with a qualified vendor
20 or vendors in accordance with this section at the sole discretion of
21 the legislative authority until an agreement is reached with one or
22 more qualified vendors, or the process is terminated by the legislative
23 authority. The process may be repeated until an agreement is reached.

24 (6) Prior to entering into a contract with a vendor, the
25 legislative authority of the county (~~shall~~) must make written
26 findings, after holding a public hearing on the proposal, that it is in
27 the public interest to enter into the contract, that the contract is
28 financially sound, and that it is advantageous for the county to use
29 this method for awarding contracts compared to other methods.

30 (7) Each contract (~~shall~~) must include a project performance bond
31 or bonds or other security by the vendor that in the judgment of the
32 legislative authority of the county is sufficient to secure adequate
33 performance by the vendor.

34 (8) The provisions of chapters 39.12(~~(7)~~) and 39.19(~~(7) and 39.25~~)
35 RCW (~~shall~~) apply to a contract entered into under this section to
36 the same extent as if the systems and plants were owned by a public
37 body.

1 (9) The vendor selection process permitted by this section (~~shall~~
2 be)) is supplemental to and (~~shall~~) may not be construed as a repeal
3 of or limitation on any other authority granted by law.

4 (10) The alternative selection process provided by this section may
5 not be used in the selection of a person or entity to construct a
6 publicly owned facility for the storage or transfer of solid waste or
7 solid waste handling equipment unless the facility is either (a)
8 privately operated pursuant to a contract greater than five years, or
9 (b) an integral part of a solid waste processing facility located on
10 the same site. Instead, the applicable provisions of RCW 36.32.250 and
11 chapters 39.04 and 39.30 RCW (~~shall~~) must be followed.

12 (11) Publications required by this section may be in the form of a
13 summary that complies with RCW 36.72.071.

14 **Sec. 128.** RCW 36.58.110 and 1982 c 175 s 2 are each amended to
15 read as follows:

16 (1) A county legislative authority proposing to establish a solid
17 waste disposal district or to modify or dissolve an existing solid
18 waste disposal district (~~shall~~) must conduct a hearing at the time
19 and place specified in a notice published at least once not less than
20 ten days prior to the hearing in a newspaper of general circulation
21 within the proposed solid waste disposal district. This notice (~~shall~~
22 be)) is in addition to any other notice required by law to be
23 published. Additional notice of such hearing may be given by mail,
24 posting within the proposed solid waste disposal district, or in any
25 manner local authorities deem necessary to notify affected persons.
26 All hearings (~~shall~~) must be public and the county legislative
27 authority (~~shall~~) must hear objections from any person affected by
28 the formation, modification, or dissolution of the solid waste disposal
29 district and make such changes in the boundaries of the district or any
30 other modifications that the county legislative authority deems
31 necessary.

32 (2) Publications required by this section may be in the form of a
33 summary that complies with RCW 36.72.071.

34 **Sec. 129.** RCW 36.58A.020 and 1971 ex.s. c 293 s 3 are each amended
35 to read as follows:

36 (1) The county legislative authority proposing to establish a solid

1 waste collection district or to modify or dissolve an existing solid
2 waste collection district (~~shall~~) must conduct a hearing at the time
3 and place specified in a notice published at least once not less than
4 ten days prior to the hearing in a newspaper of general circulation
5 within the county. Additional notice of such hearing may be given by
6 mail, posting on the property, or in any manner local authorities deem
7 necessary to notify adjacent landowners and the public. All hearings
8 (~~shall~~) must be public and the legislative authority (~~shall~~) must
9 hear objections from any person affected by the formation of the solid
10 waste collection district and make such changes in the boundaries of
11 the district or any other modifications of plans that the legislative
12 authority deems necessary.

13 (2) Publications required by this section may be in the form of a
14 summary that complies with RCW 36.72.071.

15 **Sec. 130.** RCW 36.60.020 and 1983 c 303 s 9 are each amended to
16 read as follows:

17 (1) A county legislative authority proposing to establish a county
18 rail district, or to modify the boundaries of an existing county rail
19 district, or to dissolve an existing county rail district, (~~shall~~)
20 must conduct a hearing at the time and place specified in a notice
21 published at least once, not less than ten days prior to the hearing,
22 in a newspaper of general circulation within the proposed county rail
23 district. This notice (~~shall be~~) is in addition to any other notice
24 required by law to be published. Additional notice of the hearing may
25 be given by mail, posting within the proposed county rail district, or
26 in any manner the county legislative authority deems necessary to
27 notify affected persons. All hearings (~~shall~~) must be public and the
28 county legislative authority (~~shall~~) must hear objections from any
29 person affected by the formation, modification of the boundaries, or
30 dissolution of the county rail district.

31 (2) Following the hearing held under subsection (1) of this
32 section, the county legislative authority may adopt a resolution
33 providing for the submission of a proposal to establish a county rail
34 district, modify the boundaries of an existing county rail district, or
35 dissolve an existing county rail district, if the county legislative
36 authority finds the proposal to be in the public interest. The

1 resolution (~~shall~~) must contain the boundaries of the district if
2 applicable.

3 (3) A proposition to create a county rail district, modify the
4 boundaries of an existing county rail district, or dissolve an existing
5 rail district (~~shall~~) must be submitted to the affected voters at the
6 next general election held sixty or more days after the adoption of the
7 resolution providing for the submittal by the county legislative
8 authority. The resolution (~~shall~~) must establish the boundaries of
9 the district and include a finding that the creation of the district is
10 in the public interest and that the area included within the district
11 can reasonably be expected to benefit from its creation. No portion of
12 a city may be included in such a district unless the entire city is
13 included.

14 (4) The district (~~shall~~) must be created upon approval of the
15 proposition by simple majority vote. The ballot proposition submitted
16 to the voters (~~shall~~) must be in substantially the following form:

17 FORMATION OF COUNTY RAIL DISTRICT

18 (~~Shall~~) Must a county rail district be established for the area
19 described in a resolution of the legislative authority of
20 county, adopted on the day of, (~~19~~) 20. . . ?

21 Yes

22 No

23 (5) Publications required by this section may be in the form of a
24 summary that complies with RCW 36.72.071.

25 **Sec. 131.** RCW 36.60.120 and 1986 c 26 s 3 are each amended to read
26 as follows:

27 (1) If a petition to establish, modify the boundaries, or dissolve
28 a county rail district is filed with the county legislative authority
29 that complies with the requirements specified in RCW 36.60.110, the
30 legislative authority may accept the petition, fix a date for a public
31 hearing, and publish notice of the hearing in one issue of the official
32 county newspaper. The notice (~~shall~~) must also be posted in three
33 public places within the area proposed for establishment, modification,
34 or dissolution, and (~~shall~~) must specify the time and place of
35 hearing. The expense of publication and posting of the notice
36 (~~shall~~) must be paid by the signers of the petition.

1 (2) Publications required by this section may be in the form of a
2 summary that complies with RCW 36.72.071.

3 **Sec. 132.** RCW 36.61.040 and 2008 c 301 s 6 are each amended to
4 read as follows:

5 (1) Notice of the public hearing (~~((shall))~~) must be published in at
6 least two consecutive issues of a newspaper of general circulation in
7 the proposed lake or beach management district, the date of the first
8 publication to be at least fifteen days prior to the date fixed for the
9 public hearing by the resolution of intention. Notice of the public
10 hearing (~~((shall))~~) must also be given to the owner or reputed owner of
11 any lot, tract, parcel of land, or other property within the proposed
12 lake or beach management district by mailing the notice at least
13 fifteen days before the date fixed for the public hearing to the owner
14 or reputed owner of the property as shown on the tax rolls of the
15 county assessor at the address shown thereon. Notice of the public
16 hearing (~~((shall))~~) must also be mailed to the departments of fish and
17 wildlife, natural resources, and ecology at least fifteen days before
18 the date fixed for the public hearing.

19 (2) Notices of the public hearing (~~((shall))~~) must: (~~((1))~~) (a)
20 Refer to the resolution of intention; (~~((2))~~) (b) designate the
21 proposed lake or beach management district by number; (~~((3))~~) (c) set
22 forth a proposed plan describing: (~~((a))~~) (i) The nature of the
23 proposed lake or beach improvement or maintenance activities; (~~((b))~~)
24 (ii) the amount of special assessments or rates and charges proposed to
25 be raised by the lake or beach management district; (~~((e))~~) (iii) if
26 special assessments are proposed to be imposed, whether the special
27 assessments will be imposed annually for the duration of the lake or
28 beach management district, or the full special assessments will be
29 payable at one time, with the possibility of periodic installments
30 being paid and lake or beach management bonds being issued, or both;
31 (~~((d))~~) (iv) if rates and charges are proposed to be imposed, the
32 annual amount of revenue proposed to be collected and whether revenue
33 bonds payable from the rates and charges are proposed to be issued; and
34 (~~((e))~~) (v) the proposed duration of the lake or beach management
35 district; and (~~((4))~~) (d) indicate the date, time, and place of the
36 public hearing designated in the resolution of intention.

1 (3) In the case of the notice sent to each owner or reputed owner
2 by mail, the notice (~~shall~~) must set forth the estimated amount of
3 the cost of the lake or beach improvement or maintenance activities to
4 be borne by special assessment, or annual special assessments, or rates
5 and charges on the lot, tract, parcel of land, or other property owned
6 by the owner or reputed owner.

7 (4) If the county legislative authority has designated a committee
8 of itself or an officer to hear complaints and make recommendations to
9 the full county legislative authority, as provided in RCW 36.61.060,
10 the notice (~~shall~~) must also describe this additional step before the
11 full county legislative authority may adopt a resolution creating the
12 lake or beach management district.

13 (5) Publications required by this section may be in the form of a
14 summary that complies with RCW 36.72.071.

15 **Sec. 133.** RCW 36.61.100 and 2008 c 301 s 12 are each amended to
16 read as follows:

17 (1) If the proposal receives a simple majority vote in favor of
18 creating the lake or beach management district, the county legislative
19 authority (~~shall~~) must adopt an ordinance creating the lake or beach
20 management district and may proceed with establishing the special
21 assessments or rates and charges, collecting the special assessments or
22 rates and charges, and performing the lake or beach improvement or
23 maintenance activities. If a proposed lake management district
24 includes more than one lake and its adjacent areas, the lake management
25 district may only be established if the proposal receives a simple
26 majority vote in favor of creating it by the voters on each lake and
27 its adjacent areas. The county legislative authority (~~shall~~) must
28 publish a notice in a newspaper of general circulation in a lake or
29 beach management district indicating that such an ordinance has been
30 adopted within ten days of the adoption of the ordinance.

31 (2) The ballots (~~shall~~) must be available for public inspection
32 after they are counted.

33 (3) Publications required by this section may be in the form of a
34 summary that complies with RCW 36.72.071.

35 **Sec. 134.** RCW 36.61.190 and 2008 c 301 s 19 are each amended to
36 read as follows:

1 (1) Special assessments and installments on any special assessment
2 (~~shall~~) must be collected by the county treasurer.

3 (2) The county treasurer (~~shall~~) must publish a notice indicating
4 that the special assessment roll has been confirmed and that the
5 special assessments are to be collected. The notice (~~shall~~) must
6 indicate the duration of the lake or beach management district and
7 (~~shall~~) must describe whether the special assessments will be paid in
8 annual payments for the duration of the lake or beach management
9 district, or whether the full special assessments will be payable at
10 one time, with the possibility of periodic installments being paid and
11 lake or beach management bonds being issued, or both.

12 (3) If the special assessments are to be payable at one time, the
13 notice additionally (~~shall~~) must indicate that all or any portion of
14 the special assessments may be paid within thirty days from the date of
15 publication of the first notice without penalty or interest. This
16 notice (~~shall~~) must be published in a newspaper of general
17 circulation in the lake or beach management district.

18 (4) Within ten days of the first newspaper publication, the county
19 treasurer (~~shall~~) must notify each owner or reputed owner of property
20 whose name appears on the special assessment roll, at the address shown
21 on the special assessment roll, for each item of property described on
22 the list: ((+1)) (a) Whether one special assessment payable at one
23 time or special assessments payable annually have been imposed; ((+2))
24 (b) the amount of the property subject to the special assessment or
25 annual special assessments; and ((+3)) (c) the total amount of the
26 special assessment due at one time, or annual amount of special
27 assessments due. If the special assessment is due at one time, the
28 notice (~~shall~~) must also describe the thirty-day period during which
29 the special assessment may be paid without penalty, interest, or cost.

30 (5) Publications required by this section may be in the form of a
31 summary that complies with RCW 36.72.071.

32 **Sec. 135.** RCW 36.68.440 and 1981 c 210 s 4 are each amended to
33 read as follows:

34 (1) Upon accepting a petition to form a park and recreation service
35 area, or upon passage of a resolution to establish such a service area,
36 the county legislative authority (~~shall~~) must order a full
37 investigation for the purpose or purposes of the proposed service area

1 to determine the feasibility of forming the same and to determine the
2 estimated initial costs involved in obtaining the objectives set forth
3 in the petition or resolution. The reports on the feasibility and the
4 cost of the proposed service area (~~shall~~) must be made available to
5 the county legislative authority, and copies of such reports (~~shall~~)
6 must be filed with the clerk of the county legislative authority not
7 more than eighty days after the county legislative authority first
8 directs that the studies and reports be undertaken. The county
9 legislative authority (~~shall~~) must also provide by resolution that
10 within twenty days after receiving the reports a public hearing
11 (~~shall~~) must be held at the county seat or at some convenient
12 location within the proposed service area. At least five days before
13 the hearing, the county legislative authority (~~shall~~) must give
14 notice of the hearing not less than twice in a legal newspaper of
15 general circulation in the county. The notice (~~shall~~) must describe
16 the boundaries of the proposed service area, the purpose or purposes of
17 the proposed service area, the estimated initial costs, indicate that
18 the reports and other materials prepared at the order of the county
19 legislative authority are available in the office of the clerk of the
20 county legislative authority for the study and review of any interested
21 party, and set the time, date and place of the hearing.

22 (2) Publications required by this section may be in the form of a
23 summary that complies with RCW 36.72.071.

24 **Sec. 136.** RCW 36.68.470 and 1981 c 210 s 6 are each amended to
25 read as follows:

26 (1) Upon making findings under the provisions of RCW 36.68.460, the
27 county legislative authority (~~shall~~) must, by resolution, order an
28 election of the voters of the proposed park and recreation service area
29 to determine if the service area (~~shall~~) will be formed. The county
30 legislative authority (~~shall~~) must in their resolution direct the
31 county auditor to set the election to be held at the next general
32 election or at a special election held for such purpose; describe the
33 purposes of the proposed service area; set forth the estimated cost of
34 any initial improvements or services to be financed by the service area
35 should it be formed; describe the method of financing the initial
36 improvements or services described in the resolution or petition; and

1 order that notice of election be published in a newspaper of general
2 circulation in the county at least twice prior to the election date.

3 (2) A proposition to form a park and recreation service area
4 (~~shall~~) must be submitted to the voters of the proposed service area.
5 Upon approval by a majority of the voters voting on the proposition, a
6 park and recreation service area (~~shall~~) must be established. The
7 proposition submitted to the voters by the county auditor on the ballot
8 (~~shall~~) must be in substantially the following form:

9
10 FORMATION OF PARK AND
11 RECREATION SERVICE AREA

12 (~~Shall~~) Must a park and recreation service area be
13 established for the area described in a resolution of the
14 legislative authority of county, adopted on the
15 day of 19. . . . , to provide financing for neighborhood
16 park facilities, improvements, and services?
17 Yes. No.

18 (3) Publications required by this section may be in the form of a
19 summary that complies with RCW 36.72.071.

20 **Sec. 137.** RCW 36.69.040 and 1963 c 4 s 36.69.040 are each amended
21 to read as follows:

22 (1) The board of county commissioners (~~shall~~) must set a time for
23 a hearing on the petition for the formation of a park and recreation
24 district to be held not more than sixty days following the receipt of
25 such petition. Notice of hearing (~~shall~~) must be given by
26 publication three times, at intervals of not less than one week, in a
27 newspaper of general circulation within the county. Such notice
28 (~~shall~~) must state the time and place of hearing and describe
29 particularly the area proposed to be included within the district.

30 (2) Publications required by this section may be in the form of a
31 summary that complies with RCW 36.72.071.

32 **Sec. 138.** RCW 36.69.230 and 2009 c 549 s 4104 are each amended to
33 read as follows:

34 (1) If such local improvement district is initiated by petition,

1 such petition (~~shall~~) must set forth the nature and territorial
2 extent of the proposed improvement requested to be ordered and the fact
3 that the signers thereof are the owners (according to the records of
4 the county auditor) of at least fifty-one percent of the area of land
5 within the limits of the local improvement district to be created.
6 Upon the filing of such petition the board of park and recreation
7 commissioners (~~shall~~) must determine whether it is sufficient, and
8 the board's determination thereof (~~shall be~~) is conclusive upon all
9 persons. No person (~~shall~~) must withdraw his or her name from the
10 petition after it has been filed with the board. If the board
11 (~~shall~~) finds the petition to be sufficient, it (~~shall~~) must
12 proceed to adopt a resolution declaring its intention to order the
13 improvement petitioned for, setting forth the nature and territorial
14 extent of said improvement, designating the number of the proposed
15 local district and describing the boundaries thereof, stating the
16 estimated cost and expense of the improvement and the proportionate
17 amount thereof which will be borne by the property within the proposed
18 local district, and fixing a date, time and place for a public hearing
19 on the formation of the proposed local district.

20 (2) The resolution of intention, whether adopted on the initiative
21 of the board or pursuant to a petition of the property owners,
22 (~~shall~~) must be published in at least two consecutive issues of a
23 newspaper of general circulation in the proposed local district, the
24 date of the first publication to be at least fifteen days prior to the
25 date fixed by such resolution for hearing before the board.

26 (3) Publications required by this section may be in the form of a
27 summary that complies with RCW 36.72.071.

28 **Sec. 139.** RCW 36.69.280 and 1963 c 4 s 36.69.280 are each amended
29 to read as follows:

30 (1) Before approval of the roll a notice (~~shall~~) must be
31 published once a week for two consecutive weeks in a newspaper of
32 general circulation in the local district, stating that the roll is on
33 file and open to inspection in the office of the secretary, and fixing
34 the time, not less than fifteen or more than thirty days from the date
35 of the first publication of the notice within which protests must be
36 filed with the secretary against any assessments shown thereon, and
37 fixing a time when a hearing will be held by the board of park and

1 recreation commissioners on the protests. Notice (~~shall~~) must also
2 be given by mailing, at least fifteen days before the hearing, a
3 similar notice to the owners or reputed owners of the land in the local
4 district as they appear on the books of the treasurer of the county in
5 which the park and recreation district is located. At the hearing, or
6 any adjournment thereof, the commissioners may correct, change or
7 modify the roll, or any part thereof, or set aside the roll and order
8 a new assessment, and may then by resolution approve it. If an
9 assessment is raised a new notice similar to the first (~~shall~~) must
10 be given, after which final approval of the roll may be made. When
11 property has been entered originally upon the roll and the assessment
12 thereon is not raised, no objection thereto (~~shall~~) may be considered
13 by the commissioners or by any court on appeal unless the objection is
14 made in writing at, or prior, to the date fixed for the original
15 hearing upon the roll.

16 (2) Publications required by this section may be in the form of a
17 summary that complies with RCW 36.72.071.

18 **Sec. 140.** RCW 36.70.390 and 1963 c 4 s 36.70.390 are each amended
19 to read as follows:

20 (1) Notice of the time, place, and purpose of any public hearing
21 (~~shall~~) must be given by one publication in a newspaper of general
22 circulation in the county and in the official gazette, if any, of the
23 county, at least ten days before the hearing.

24 (2) Publications required by this section may be in the form of a
25 summary that complies with RCW 36.72.071.

26 **Sec. 141.** RCW 36.70.430 and 1963 c 4 s 36.70.430 are each amended
27 to read as follows:

28 (1) When it deems it to be for the public interest, or when it
29 considers a change in the recommendations of the planning agency to be
30 necessary, the board may initiate consideration of a comprehensive
31 plan, or any element or part thereof, or any change in or addition to
32 such plan or recommendation. The board (~~shall~~) must first refer the
33 proposed plan, change or addition to the planning agency for a report
34 and recommendation. Before making a report and recommendation, the
35 commission (~~shall~~) must hold at least one public hearing on the
36 proposed plan, change or addition. Notice of the time and place and

1 purpose of the hearing (~~shall~~) must be given by one publication in a
2 newspaper of general circulation in the county and in the official
3 gazette, if any, of the county, at least ten days before the hearing.

4 (2) Publications required by this section may be in the form of a
5 summary that complies with RCW 36.72.071.

6 **Sec. 142.** RCW 36.70.440 and 1963 c 4 s 36.70.440 are each amended
7 to read as follows:

8 (1) After the receipt of the report and recommendations of the
9 planning agency on the matters referred to in RCW 36.70.430, or after
10 the lapse of the prescribed time for the rendering of such report and
11 recommendation by the commission, the board may approve by motion and
12 certify such plan, change or addition without further reference to the
13 commission: PROVIDED, That the plan, change or addition conforms
14 either to the proposal as initiated by the county or the recommendation
15 thereon by the commission: PROVIDED FURTHER, That if the planning
16 agency has failed to report within a ninety day period, the board
17 (~~shall~~) must hold at least one public hearing on the proposed plan,
18 change or addition. Notice of the time, place, and purpose of the
19 hearing (~~shall~~) must be given by one publication in a newspaper of
20 general circulation in the county and in the official gazette, if any,
21 of the county, at least ten days before the hearing. Thereafter, the
22 board may proceed to approve by motion and certify the proposed
23 comprehensive plan or any part, amendment or addition thereto.

24 (2) Publications required by this section may be in the form of a
25 summary that complies with RCW 36.72.071.

26 **Sec. 143.** RCW 36.70.590 and 1963 c 4 s 36.70.590 are each amended
27 to read as follows:

28 (1) Notice of the time, place, and purpose of the hearing (~~shall~~)
29 must be given by one publication in a newspaper of general circulation
30 in the county and in the official gazette, if any, of the county at
31 least ten days before the hearing. The board may prescribe additional
32 methods for providing notice.

33 (2) Publications required by this section may be in the form of a
34 summary that complies with RCW 36.72.071.

1 **Sec. 144.** RCW 36.70A.035 and 1999 c 315 s 708 are each amended to
2 read as follows:

3 (1) The public participation requirements of this chapter (~~shall~~)
4 must include notice procedures that are reasonably calculated to
5 provide notice to property owners and other affected and interested
6 individuals, tribes, government agencies, businesses, school districts,
7 and organizations of proposed amendments to comprehensive plans and
8 development regulation. Examples of reasonable notice provisions
9 include:

10 (a) Posting the property for site-specific proposals;

11 (b) Publishing notice in a newspaper of general circulation in the
12 county, city, or general area where the proposal is located or that
13 will be affected by the proposal;

14 (c) Notifying public or private groups with known interest in a
15 certain proposal or in the type of proposal being considered;

16 (d) Placing notices in appropriate regional, neighborhood, ethnic,
17 or trade journals; and

18 (e) Publishing notice in agency newsletters or sending notice to
19 agency mailing lists, including general lists or lists for specific
20 proposals or subject areas.

21 (2)(a) Except as otherwise provided in (b) of this subsection, if
22 the legislative body for a county or city chooses to consider a change
23 to an amendment to a comprehensive plan or development regulation, and
24 the change is proposed after the opportunity for review and comment has
25 passed under the county's or city's procedures, an opportunity for
26 review and comment on the proposed change (~~shall~~) must be provided
27 before the local legislative body votes on the proposed change.

28 (b) An additional opportunity for public review and comment is not
29 required under (a) of this subsection if:

30 (i) An environmental impact statement has been prepared under
31 chapter 43.21C RCW for the pending resolution or ordinance and the
32 proposed change is within the range of alternatives considered in the
33 environmental impact statement;

34 (ii) The proposed change is within the scope of the alternatives
35 available for public comment;

36 (iii) The proposed change only corrects typographical errors,
37 corrects cross-references, makes address or name changes, or clarifies

1 language of a proposed ordinance or resolution without changing its
2 effect;

3 (iv) The proposed change is to a resolution or ordinance making a
4 capital budget decision as provided in RCW 36.70A.120; or

5 (v) The proposed change is to a resolution or ordinance enacting a
6 moratorium or interim control adopted under RCW 36.70A.390.

7 (3) This section is prospective in effect and does not apply to a
8 comprehensive plan, development regulation, or amendment adopted before
9 July 27, 1997.

10 (4) Publications required by this section may be in the form of a
11 summary that complies with RCW 36.72.071.

12 **Sec. 145.** RCW 36.70A.367 and 2007 c 433 s 1 are each amended to
13 read as follows:

14 (1) In addition to the major industrial development allowed under
15 RCW 36.70A.365, a county planning under RCW 36.70A.040 that meets the
16 criteria in subsection (5) of this section may establish, in
17 consultation with cities consistent with provisions of RCW 36.70A.210,
18 a process for designating a bank of no more than two master planned
19 locations for major industrial activity outside urban growth areas.

20 (2) A master planned location for major industrial developments may
21 be approved through a two-step process: Designation of an industrial
22 land bank area in the comprehensive plan; and subsequent approval of
23 specific major industrial developments through a local master plan
24 process described under subsection (3) of this section.

25 (a) The comprehensive plan must identify locations suited to major
26 industrial development due to proximity to transportation or resource
27 assets. The plan must identify the maximum size of the industrial land
28 bank area and any limitations on major industrial developments based on
29 local limiting factors, but does not need to specify a particular
30 parcel or parcels of property or identify any specific use or user
31 except as limited by this section. In selecting locations for the
32 industrial land bank area, priority must be given to locations that are
33 adjacent to, or in close proximity to, an urban growth area.

34 (b) The environmental review for amendment of the comprehensive
35 plan must be at the programmatic level and, in addition to a threshold
36 determination, must include:

- 1 (i) An inventory of developable land as provided in RCW 36.70A.365;
2 and
- 3 (ii) An analysis of the availability of alternative sites within
4 urban growth areas and the long-term annexation feasibility of sites
5 outside of urban growth areas.
- 6 (c) Final approval of an industrial land bank area under this
7 section must be by amendment to the comprehensive plan adopted under
8 RCW 36.70A.070, and the amendment is exempt from the limitation of RCW
9 36.70A.130(2) and may be considered at any time. Approval of a
10 specific major industrial development within the industrial land bank
11 area requires no further amendment of the comprehensive plan.
- 12 (3) In concert with the designation of an industrial land bank
13 area, a county (~~shall~~) must also adopt development regulations for
14 review and approval of specific major industrial developments through
15 a master plan process. The regulations governing the master plan
16 process (~~shall~~) must ensure, at a minimum, that:
- 17 (a) Urban growth will not occur in adjacent nonurban areas;
- 18 (b) Development is consistent with the county's development
19 regulations adopted for protection of critical areas;
- 20 (c) Required infrastructure is identified and provided concurrent
21 with development. Such infrastructure, however, may be phased in with
22 development;
- 23 (d) Transit-oriented site planning and demand management programs
24 are specifically addressed as part of the master plan approval;
- 25 (e) Provision is made for addressing environmental protection,
26 including air and water quality, as part of the master plan approval;
- 27 (f) The master plan approval includes a requirement that interlocal
28 agreements between the county and service providers, including cities
29 and special purpose districts providing facilities or services to the
30 approved master plan, be in place at the time of master plan approval;
- 31 (g) A major industrial development is used primarily by industrial
32 and manufacturing businesses, and that the gross floor area of all
33 commercial and service buildings or facilities locating within the
34 major industrial development does not exceed ten percent of the total
35 gross floor area of buildings or facilities in the development. The
36 intent of this provision for commercial or service use is to meet the
37 needs of employees, clients, customers, vendors, and others having
38 business at the industrial site, to attract and retain a quality

1 workforce, and to further other public objectives, such as trip
2 reduction. These uses may not be promoted to attract additional
3 clientele from the surrounding area. Commercial and service businesses
4 must be established concurrently with or subsequent to the industrial
5 or manufacturing businesses;

6 (h) New infrastructure is provided for and/or applicable impact
7 fees are paid to assure that adequate facilities are provided
8 concurrently with the development. Infrastructure may be achieved in
9 phases as development proceeds;

10 (i) Buffers are provided between the major industrial development
11 and adjacent rural areas;

12 (j) Provision is made to mitigate adverse impacts on designated
13 agricultural lands, forest lands, and mineral resource lands; and

14 (k) An open record public hearing is held before either the
15 planning commission or hearing examiner with notice published at least
16 thirty days before the hearing date and mailed to all property owners
17 within one mile of the site.

18 (4) For the purposes of this section:

19 (a) "Major industrial development" means a master planned location
20 suitable for manufacturing or industrial businesses that: (i) Requires
21 a parcel of land so large that no suitable parcels are available within
22 an urban growth area; (ii) is a natural resource-based industry
23 requiring a location near agricultural land, forest land, or mineral
24 resource land upon which it is dependent; or (iii) requires a location
25 with characteristics such as proximity to transportation facilities or
26 related industries such that there is no suitable location in an urban
27 growth area. The major industrial development may not be for the
28 purpose of retail commercial development or multitenant office parks.

29 (b) "Industrial land bank" means up to two master planned
30 locations, each consisting of a parcel or parcels of contiguous land,
31 sufficiently large so as not to be readily available within the urban
32 growth area of a city, or otherwise meeting the criteria contained in
33 (a) of this subsection, suitable for manufacturing, industrial, or
34 commercial businesses and designated by the county through the
35 comprehensive planning process specifically for major industrial use.

36 (5) This section and the termination provisions specified in
37 subsection (6) of this section apply to a county that at the time the
38 process is established under subsection (1) of this section:

1 (a) Has a population greater than two hundred fifty thousand and is
2 part of a metropolitan area that includes a city in another state with
3 a population greater than two hundred fifty thousand;

4 (b) Has a population greater than one hundred forty thousand and is
5 adjacent to another country;

6 (c) Has a population greater than forty thousand but less than
7 seventy-five thousand and has an average level of unemployment for the
8 preceding three years that exceeds the average state unemployment for
9 those years by twenty percent; and

10 (i) Is bordered by the Pacific Ocean;

11 (ii) Is located in the Interstate 5 or Interstate 90 corridor; or

12 (iii) Is bordered by Hood Canal;

13 (d) Is east of the Cascade divide; and

14 (i) Borders another state to the south; or

15 (ii) Is located wholly south of Interstate 90 and borders the
16 Columbia river to the east;

17 (e) Has an average population density of less than one hundred
18 persons per square mile as determined by the office of financial
19 management, and is bordered by the Pacific Ocean and by Hood Canal; or

20 (f) Meets all of the following criteria:

21 (i) Has a population greater than forty thousand but fewer than
22 eighty thousand;

23 (ii) Has an average level of unemployment for the preceding three
24 years that exceeds the average state unemployment for those years by
25 twenty percent; and

26 (iii) Is located in the Interstate 5 or Interstate 90 corridor.

27 (6) In order to identify and approve locations for industrial land
28 banks, the county (~~shall~~) must take action to designate one or more
29 industrial land banks and adopt conforming regulations as provided by
30 (~~RCW 36.70A.367(2)~~) subsection (2) of this section on or before the
31 last date to complete that county's next periodic review under RCW
32 36.70A.130(4) that occurs prior to December 31, 2014. The authority to
33 take action to designate a land bank area in the comprehensive plan
34 expires if not acted upon by the county within the time frame provided
35 in this section. Once a land bank area has been identified in the
36 county's comprehensive plan, the authority of the county to process a
37 master plan or site projects within an approved master plan does not
38 expire.

1 (7) Any county seeking to designate an industrial land bank under
2 this section must:

3 (a) Provide countywide notice, in conformity with RCW 36.70A.035,
4 of the intent to designate an industrial land bank. Notice must be
5 published in a newspaper or newspapers of general circulation
6 reasonably likely to reach subscribers in all geographic areas of the
7 county. Notice must be provided not less than thirty days prior to
8 commencement of consideration by the county legislative body; and

9 (b) Make a written determination of the criteria and rationale used
10 by the legislative body as the basis for siting an industrial land bank
11 under this chapter.

12 (8) Any location included in an industrial land bank pursuant to
13 section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of
14 1997, and section 2, chapter 167, Laws of 1996 (~~shall~~) must remain
15 available for major industrial development according to this section as
16 long as the requirements of this section continue to be satisfied.

17 (9) Publications required by this section may be in the form of a
18 summary that complies with RCW 36.72.071.

19 **Sec. 146.** RCW 36.70B.110 and 1997 c 429 s 48 and 1997 c 396 s 1
20 are each reenacted and amended to read as follows:

21 (1) Not later than April 1, 1996, a local government planning under
22 RCW 36.70A.040 (~~shall~~) must provide a notice of application to the
23 public and the departments and agencies with jurisdiction as provided
24 in this section. If a local government has made a threshold
25 determination under chapter 43.21C RCW concurrently with the notice of
26 application, the notice of application may be combined with the
27 threshold determination and the scoping notice for a determination of
28 significance. Nothing in this section prevents a determination of
29 significance and scoping notice from being issued prior to the notice
30 of application. Nothing in this section or this chapter prevents a
31 lead agency, when it is a project proponent or is funding a project,
32 from conducting its review under chapter 43.21C RCW or from allowing
33 appeals of procedural determinations prior to submitting a project
34 permit application.

35 (2) The notice of application (~~shall~~) must be provided within
36 fourteen days after the determination of completeness as provided in

1 RCW 36.70B.070 and, except as limited by the provisions of subsection
2 (4)(b) of this section, (~~shall~~) must include the following in
3 whatever sequence or format the local government deems appropriate:

4 (a) The date of application, the date of the notice of completion
5 for the application, and the date of the notice of application;

6 (b) A description of the proposed project action and a list of the
7 project permits included in the application and, if applicable, a list
8 of any studies requested under RCW 36.70B.070 (~~or 36.70B.090~~);

9 (c) The identification of other permits not included in the
10 application to the extent known by the local government;

11 (d) The identification of existing environmental documents that
12 evaluate the proposed project, and, if not otherwise stated on the
13 document providing the notice of application, such as a city land use
14 bulletin, the location where the application and any studies can be
15 reviewed;

16 (e) A statement of the public comment period, which (~~shall be~~) is
17 not less than fourteen nor more than thirty days following the date of
18 notice of application, and statements of the right of any person to
19 comment on the application, receive notice of and participate in any
20 hearings, request a copy of the decision once made, and any appeal
21 rights. A local government may accept public comments at any time
22 prior to the closing of the record of an open record predecision
23 hearing, if any, or, if no open record predecision hearing is provided,
24 prior to the decision on the project permit;

25 (f) The date, time, place, and type of hearing, if applicable and
26 scheduled at the date of notice of the application;

27 (g) A statement of the preliminary determination, if one has been
28 made at the time of notice, of those development regulations that will
29 be used for project mitigation and of consistency as provided in RCW
30 36.70B.030(2); and

31 (h) Any other information determined appropriate by the local
32 government.

33 (3) If an open record predecision hearing is required for the
34 requested project permits, the notice of application (~~shall~~) must be
35 provided at least fifteen days prior to the open record hearing.

36 (4) A local government (~~shall~~) must use reasonable methods to
37 give the notice of application to the public and agencies with
38 jurisdiction and may use its existing notice procedures. A local

1 government may use different types of notice for different categories
2 of project permits or types of project actions. If a local government
3 by resolution or ordinance does not specify its method of public
4 notice, the local government (~~shall~~) must use the methods provided
5 for in (a) and (b) of this subsection. Examples of reasonable methods
6 to inform the public are:

- 7 (a) Posting the property for site-specific proposals;
- 8 (b) Publishing notice, including at least the project location,
9 description, type of permit(s) required, comment period dates, and
10 location where the notice of application required by subsection (2) of
11 this section and the complete application may be reviewed, in the
12 newspaper of general circulation in the general area where the proposal
13 is located or in a local land use newsletter published by the local
14 government;
- 15 (c) Notifying public or private groups with known interest in a
16 certain proposal or in the type of proposal being considered;
- 17 (d) Notifying the news media;
- 18 (e) Placing notices in appropriate regional or neighborhood
19 newspapers or trade journals;
- 20 (f) Publishing notice in agency newsletters or sending notice to
21 agency mailing lists, either general lists or lists for specific
22 proposals or subject areas; and
- 23 (g) Mailing to neighboring property owners.

24 (5) A notice of application (~~shall~~) is not (~~be~~) required for
25 project permits that are categorically exempt under chapter 43.21C RCW,
26 unless an open record predecision hearing is required or an open record
27 appeal hearing is allowed on the project permit decision.

28 (6) A local government (~~shall~~) must integrate the permit
29 procedures in this section with its environmental review under chapter
30 43.21C RCW as follows:

- 31 (a) Except for a threshold determination and except as otherwise
32 expressly allowed in this section, the local government may not issue
33 a decision or a recommendation on a project permit until the expiration
34 of the public comment period on the notice of application.
- 35 (b) If an open record predecision hearing is required, the local
36 government (~~shall~~) must issue its threshold determination at least
37 fifteen days prior to the open record predecision hearing.
- 38 (c) Comments (~~shall~~) must be as specific as possible.

1 (d) A local government is not required to provide for
2 administrative appeals of its threshold determination. If provided, an
3 administrative appeal (~~shall~~) must be filed within fourteen days
4 after notice that the determination has been made and is appealable.
5 Except as otherwise expressly provided in this section, the appeal
6 hearing on a determination of nonsignificance (~~shall~~) must be
7 consolidated with any open record hearing on the project permit.

8 (7) At the request of the applicant, a local government may combine
9 any hearing on a project permit with any hearing that may be held by
10 another local, state, regional, federal, or other agency, if:

11 (a) The hearing is held within the geographic boundary of the local
12 government; and

13 (b) The joint hearing can be held within the time periods specified
14 in RCW (~~36.70B.090~~) 36.70B.070 or the applicant agrees to the
15 schedule in the event that additional time is needed in order to
16 combine the hearings. All agencies of the state of Washington,
17 including municipal corporations and counties participating in a
18 combined hearing, are hereby authorized to issue joint hearing notices
19 and develop a joint format, select a mutually acceptable hearing body
20 or officer, and take such other actions as may be necessary to hold
21 joint hearings consistent with each of their respective statutory
22 obligations.

23 (8) All state and local agencies (~~shall~~) must cooperate to the
24 fullest extent possible with the local government in holding a joint
25 hearing if requested to do so, as long as:

26 (a) The agency is not expressly prohibited by statute from doing
27 so;

28 (b) Sufficient notice of the hearing is given to meet each of the
29 agencies' adopted notice requirements as set forth in statute,
30 ordinance, or rule; and

31 (c) The agency has received the necessary information about the
32 proposed project from the applicant to hold its hearing at the same
33 time as the local government hearing.

34 (9) A local government is not required to provide for
35 administrative appeals. If provided, an administrative appeal of the
36 project decision and of any environmental determination issued at the
37 same time as the project decision, (~~shall~~) must be filed within
38 fourteen days after the notice of the decision or after other notice

1 that the decision has been made and is appealable. The local
2 government (~~shall~~) must extend the appeal period for an additional
3 seven days, if state or local rules adopted pursuant to chapter 43.21C
4 RCW allow public comment on a determination of nonsignificance issued
5 as part of the appealable project permit decision.

6 (10) The applicant for a project permit is deemed to be a
7 participant in any comment period, open record hearing, or closed
8 record appeal.

9 (11) Each local government planning under RCW 36.70A.040 (~~shall~~)
10 must adopt procedures for administrative interpretation of its
11 development regulations.

12 (12) Publications required by this section may be in the form of a
13 summary that complies with RCW 36.72.071.

14 **Sec. 147.** RCW 36.73.050 and 2007 c 329 s 3 are each amended to
15 read as follows:

16 (1) The legislative authorities proposing to establish a district,
17 or to modify the boundaries of an existing district, or to dissolve an
18 existing district (~~shall~~) must conduct a hearing at the time and
19 place specified in a notice published at least once, not less than ten
20 days before the hearing, in a newspaper of general circulation within
21 the proposed district. Subject to the provisions of RCW 36.73.170, the
22 legislative authorities (~~shall~~) must make provision for a district to
23 be automatically dissolved when all indebtedness of the district has
24 been retired and anticipated responsibilities have been satisfied.
25 This notice (~~shall be~~) is in addition to any other notice required by
26 law to be published. The notice (~~shall~~) must, where applicable,
27 specify the functions or activities proposed to be provided or funded,
28 or the additional functions or activities proposed to be provided or
29 funded, by the district. Additional notice of the hearing may be given
30 by mail, by posting within the proposed district, or in any manner the
31 legislative authorities deem necessary to notify affected persons. All
32 hearings (~~shall~~) must be public and the legislative authorities
33 (~~shall~~) must hear objections from any person affected by the
34 formation, modification of the boundaries, or dissolution of the
35 district.

36 (2)(a) Following the hearing held pursuant to subsection (1) of
37 this section, the legislative authorities may establish a district,

1 modify the boundaries or functions of an existing district, or dissolve
2 an existing district, if the legislative authorities find the action to
3 be in the public interest and adopt an ordinance providing for the
4 action.

5 (b) The ordinance establishing a district (~~shall~~) must specify
6 the functions and transportation improvements described under RCW
7 36.73.015 to be exercised or funded and establish the boundaries of the
8 district. Subject to the provisions of RCW 36.73.160, functions or
9 transportation improvements proposed to be provided or funded by the
10 district may not be expanded beyond those specified in the notice of
11 hearing, unless additional notices are made, further hearings on the
12 expansion are held, and further determinations are made that it is in
13 the public interest to so expand the functions or transportation
14 improvements proposed to be provided or funded.

15 (3) Publications required by this section may be in the form of a
16 summary that complies with RCW 36.72.071.

17 **Sec. 148.** RCW 36.75.270 and 1963 c 4 s 36.75.270 are each amended
18 to read as follows:

19 (1) The board of county commissioners of each county may by
20 resolution limit or prohibit classes or types of vehicles on any county
21 road or bridge and may limit the weight of vehicles which may travel
22 thereon. Any such resolution (~~shall~~) must be effective for a
23 definite period of time which (~~shall~~) must be stated in the
24 resolution. If such resolution is published at least once in a
25 newspaper of general circulation in the county and if signs indicating
26 such closure or limitation of traffic have been posted on such road or
27 bridge, any person violating such resolution (~~shall be~~) is guilty of
28 a misdemeanor.

29 (2) Publications required by this section may be in the form of a
30 summary that complies with RCW 36.72.071.

31 **Sec. 149.** RCW 36.77.070 and 2009 c 549 s 4126 and 2009 c 29 s 2
32 are each reenacted and amended to read as follows:

33 (1) If the board determines that any construction should be
34 performed by county forces, and the estimated cost of the work exceeds
35 ten thousand dollars, it (~~shall~~) must cause to be published in one
36 issue of a newspaper of general circulation in the county, a brief

1 description of the work to be done and the county road engineer's
2 estimate of the cost thereof. At the completion of such construction,
3 the board (~~shall~~) must cause to be published in one issue of such a
4 newspaper a similar brief description of the work together with an
5 accurate statement of the true and complete cost of performing such
6 construction by county forces.

7 (2) Failure to make the required publication (~~shall~~) subjects
8 each county commissioner to a fine of one hundred dollars for which he
9 or she (~~shall be~~) is liable individually and upon his or her official
10 bond and the prosecuting attorney (~~shall~~) must prosecute for
11 violation of the provisions of this section and RCW 36.77.065.

12 (3) Publications required by this section may be in the form of a
13 summary that complies with RCW 36.72.071.

14 **Sec. 150.** RCW 36.81.070 and 1963 c 4 s 36.81.070 are each amended
15 to read as follows:

16 (1) The board (~~shall~~) must fix a time and place for hearing the
17 report of the engineer and cause notice thereof to be published once a
18 week for two successive weeks in the county official newspaper and to
19 be posted for at least twenty days at each termini of the proposed
20 road.

21 (2) The notice (~~shall~~) must set forth the termini of the road as
22 set out in the resolution of the board, or the freeholders' petition,
23 as the case may be, and (~~shall~~) must state that all persons
24 interested may appear and be heard at such hearing upon the report and
25 recommendation of the engineer either to proceed or not to proceed with
26 establishing the road.

27 (3) Publications required by this section may be in the form of a
28 summary that complies with RCW 36.72.071.

29 **Sec. 151.** RCW 36.82.190 and 1985 c 469 s 50 are each amended to
30 read as follows:

31 (1) The county legislative authority (~~shall~~) must then publish a
32 notice setting day of hearing for the adoption of the final
33 supplemental budget covering the excess funds, designating the time and
34 place of hearing and that anyone may appear thereat and be heard for or
35 against any part of the preliminary supplemental budget. The notice
36 (~~shall~~) must be published once a week for two consecutive weeks

1 immediately following the adoption of the preliminary supplemental
2 budget in the official newspaper of the county. The county legislative
3 authority (~~shall~~) must provide a sufficient number of copies of the
4 preliminary supplemental budget to meet reasonable public demands and
5 they (~~shall~~) must be available not later than two weeks immediately
6 preceding the hearing.

7 (2) Publications required by this section may be in the form of a
8 summary that complies with RCW 36.72.071.

9 **Sec. 152.** RCW 36.83.020 and 1996 c 292 s 2 are each amended to
10 read as follows:

11 (1) A county legislative authority proposing to establish a service
12 district (~~shall~~) must conduct a hearing at the time and place
13 specified in a notice published at least once, not less than ten days
14 prior to the hearing, in a newspaper of general circulation within the
15 proposed service district. This notice (~~shall be~~) is in addition to
16 any other notice required by law to be published. The notice (~~shall~~)
17 must specify the functions or activities proposed to be provided or
18 funded by the service district. Additional notice of the hearing may
19 be given by mail, posting within the proposed service district, or in
20 any manner the county legislative authority deems necessary to notify
21 affected persons. All hearings (~~shall~~) must be public and the county
22 legislative authority (~~shall~~) must hear objections from any person
23 affected by the formation, modification of the boundaries, or
24 dissolution of the service district.

25 (2) Following the hearing held pursuant to subsection (1) of this
26 section, the county legislative authority may establish a service
27 district if the county legislative authority finds the action to be in
28 the public interest and adopts an ordinance or resolution providing for
29 the establishment of the service district. The legislation
30 establishing a service district (~~shall~~) must specify the functions or
31 activities to be exercised or funded and establish the boundaries of
32 the service district. Functions or activities proposed to be provided
33 or funded by the service district may not be expanded beyond those
34 specified in the notice of hearing, except as provided in subsection
35 (4) of this section.

36 (3) At any time prior to the county legislative authority
37 establishing a service district pursuant to this section, all further

1 proceedings (~~shall~~) must be terminated upon the filing of a verified
2 declaration of termination signed by a majority of the registered
3 voters of the proposed service district.

4 (4) With the approval of the county legislative authority, the
5 governing body of a service district may modify the boundaries of,
6 expand or otherwise modify the functions of, or dissolve the service
7 district after providing notice and conducting a public hearing or
8 hearings in the manner provided in subsection (1) of this section. The
9 governing body must make a determination that the proposed action is in
10 the public interest and adopt a resolution providing for the action.

11 (5) Publications required by this section may be in the form of a
12 summary that complies with RCW 36.72.071.

13 **Sec. 153.** RCW 36.87.050 and 1963 c 4 s 36.87.050 are each amended
14 to read as follows:

15 (1) Notice of hearing upon the report for vacation and abandonment
16 of a county road (~~shall~~) must be published at least once a week for
17 two consecutive weeks preceding the date fixed for the hearing, in the
18 county official newspaper and a copy of the notice (~~shall~~) must be
19 posted for at least twenty days preceding the date fixed for hearing at
20 each termini of the county road or portion thereof proposed to be
21 vacated or abandoned.

22 (2) Publications required by this section may be in the form of a
23 summary that complies with RCW 36.72.071.

24 **Sec. 154.** RCW 36.88.030 and 1970 ex.s. c 66 s 2 are each amended
25 to read as follows:

26 (1) In case the board of county commissioners (~~shall~~) desires to
27 initiate the formation of a county road improvement district by
28 resolution, it (~~shall~~) must first pass a resolution declaring its
29 intention to order such improvement, setting forth the nature and
30 territorial extent of such proposed improvement, designating the number
31 of the proposed road improvement district and describing the boundaries
32 thereof, stating the estimated cost and expense of the improvement and
33 the proportionate amount thereof which will be borne by the property
34 within the proposed district, notifying the owners of property therein
35 to appear at a meeting of the board at the time specified in such
36 resolution, and directing the county road engineer to submit to the

1 board at or prior to the date fixed for such hearing a diagram or print
2 showing thereon the lots, tracts and parcels of land and other property
3 which will be specially benefited thereby and the estimated amount of
4 the cost and expense of such improvement to be borne by each lot, tract
5 or parcel of land or other property, and also designating thereon all
6 property which is being purchased under contract from the county. The
7 resolution of intention (~~shall~~) must be published in at least two
8 consecutive issues of a newspaper of general circulation in such
9 county, the date of the first publication to be at least fifteen days
10 prior to the date fixed by such resolution for hearing before the board
11 of county commissioners.

12 (2) Notice of the adoption of the resolution of intention (~~shall~~)
13 must be given each owner or reputed owner of any lot, tract or parcel
14 of land or other property within the proposed improvement district by
15 mailing said notice to the owner or reputed owner of the property as
16 shown on the tax rolls of the county treasurer at the address shown
17 thereon at least fifteen days before the date fixed for the public
18 hearing. The notice (~~shall~~) must refer to the resolution of
19 intention and designate the proposed improvement district by number.
20 (~~Said~~) The notice (~~shall~~) must also set forth the nature of the
21 proposed improvement, the total estimated cost, the proportion of total
22 cost to be borne by assessments, the estimated amount of the cost and
23 expense of such improvement to be borne by the particular lot, tract or
24 parcel, the date and place of the hearing before the board of county
25 commissioners, and (~~shall~~) must contain the directions hereinafter
26 provided for voting upon the formation of the proposed improvement
27 district.

28 (3) The clerk of the board (~~shall~~) must prepare and mail,
29 together with the notice above referred to, a ballot for each owner or
30 reputed owner of any lot, tract or parcel of land within the proposed
31 improvement district. This ballot (~~shall~~) must contain the following
32 proposition:

33 "Shall county road improvement
34 district No. be formed?
35 Yes.....
36 No.....

1 and, in addition, (~~shall~~) must contain appropriate spaces for the
2 signatures of the property owners, and a description of their property,
3 and (~~shall~~) must have printed thereon the direction that all ballots
4 must be signed to be valid and must be returned to the clerk of the
5 board of county commissioners not later than five o'clock p.m. of a day
6 which (~~shall be~~) is one week after the date of the public hearing.

7 (4) The notice of adoption of the resolution of intention (~~shall~~)
8 must also contain the above directions, and, in addition thereto,
9 (~~shall~~) must state the rules by which the election (~~shall be~~) is
10 governed.

11 (5) Publications required by this section may be in the form of a
12 summary that complies with RCW 36.72.071.

13 **Sec. 155.** RCW 36.88.050 and 1963 c 4 s 36.88.050 are each amended
14 to read as follows:

15 (1) In case any such road improvement (~~shall be~~) is initiated by
16 petition, such petition (~~shall~~) must set forth the nature and
17 territorial extent of such proposed improvement, and the fact that the
18 signers thereof are the owners, according to the records of the county
19 auditor of property to an aggregate amount of a majority of the lineal
20 frontage upon the improvement to be made and of the area within the
21 limits of the assessment district to be created therefor.

22 (2) Upon the filing of such petition the board (~~shall~~) must
23 determine whether the same (~~shall be~~) is sufficient and whether the
24 property within the proposed district (~~shall be~~) is sufficiently
25 developed and if the board (~~shall~~) finds the district to be
26 sufficiently developed and the petition to be sufficient, it (~~shall~~)
27 must proceed to adopt a resolution setting forth the nature and
28 territorial extent of the improvement petitioned for, designating the
29 number of the proposed improvement district and describing the
30 boundaries thereof, stating the estimated cost and expense of the
31 improvement and the proportionate amount thereof which will be borne by
32 the property within the proposed district, notifying the owners of
33 property therein to appear at a meeting of the board at the time
34 specified in such resolution, and directing the county road engineer to
35 submit to the board at or prior to the date fixed for such hearing a
36 diagram or print showing thereon the lots, tracts and parcels of land
37 and other property which will be specially benefited thereby and the

1 estimated amount of the cost and expense of such improvement to be
2 borne by each lot, tract or parcel of land or other property, and also
3 designating thereon all property which is being purchased under
4 contract from the county. The resolution of intention (~~shall~~) must
5 be published in at least two consecutive issues of a newspaper of
6 general circulation in such county, the date of the first publication
7 to be at least fifteen days prior to the date fixed by such resolution
8 for hearing before the board of county commissioners.

9 (3) Notice of the adoption of the resolution of intention (~~shall~~)
10 must be given each owner or reputed owner of any lot, tract or parcel
11 of land or other property within the proposed improvement district by
12 mailing said notice to the owner or reputed owner of the property as
13 shown on the tax rolls of the county treasurer at the address shown
14 thereon at least fifteen days before the date fixed for the public
15 hearing. The notice (~~shall~~) must refer to the resolution of
16 intention and designate the proposed improvement district by number.
17 (~~Said~~) The notice (~~shall~~) must also set forth the nature of the
18 proposed improvement, the total estimated cost, the proportion of total
19 cost to be borne by assessments, the estimated amount of the cost and
20 expense of such improvement to be borne by the particular lot, tract or
21 parcel, the date and place of the hearing before the board of county
22 commissioners, and the fact that property owners may withdraw their
23 names from the petition or add their names thereto at any time prior to
24 five o'clock p.m. of the day before the hearing.

25 (4) Publications required by this section may be in the form of a
26 summary that complies with RCW 36.72.071.

27 PART II

28 LOCAL GOVERNMENT REVENUES

29 NEW SECTION. **Sec. 201.** A new section is added to chapter 82.14
30 RCW to read as follows:

31 (1)(a) A county may impose a sales and use tax in accordance with
32 the terms of this chapter. The tax is in addition to other taxes
33 authorized by law and must be collected from those persons who are
34 taxable by the state under chapters 82.08 and 82.12 RCW upon the
35 occurrence of any taxable event within the county.

1 (i) The rate of the additional tax is one-tenth of one percent of
2 the selling price, in the case of a sales tax, or value of the article
3 used, in the case of a use tax, for a county located west of the crest
4 of the Cascade mountains having a population of two hundred fifty
5 thousand or more or a county located east of the crest of the Cascade
6 mountains having a population of four hundred seventy thousand or more.

7 (ii) The rate of the additional tax is two-tenths of one percent of
8 the selling price, in the case of a sales tax, or value of the article
9 used, in the case of a use tax, for counties not described under (a)(i)
10 of this subsection (1).

11 (b) If a county does not impose the tax authorized under this
12 section by January 1, 2013, a city located within the county may impose
13 a sales and use tax in accordance with the terms of this chapter. The
14 rate of tax under this subsection is one-tenth of one percent of the
15 selling price in the case of a sales tax, or value of the article used,
16 in the case of a use tax for a city located in a county described under
17 (a)(i) of this subsection (1). The rate is two-tenths of one percent
18 for cities located in other counties. A city may not begin imposing a
19 tax under this subsection (1)(b) prior to January 1, 2013. A tax
20 imposed under this subsection (1)(b) must be credited against any
21 county tax imposed under this section.

22 (2)(a) Tax proceeds received under this section by a county
23 described under subsection (1)(a)(i) of this section must be shared
24 between the county and the cities as follows: Fifty percent must be
25 retained by the county and the remainder must be distributed on a per
26 capita basis to cities in the county. However, a county is not
27 required to share tax proceeds with a city imposing a tax under
28 subsection (1)(b) of this section.

29 (b) Tax proceeds received under this section by a county not
30 described under subsection (1)(a)(i) of this section must be shared
31 between the county and the cities as follows: Eighty percent must be
32 retained by the county and the remainder must be distributed on a per
33 capita basis to cities in the county.

34 NEW SECTION. **Sec. 202.** A new section is added to chapter 82.14
35 RCW to read as follows:

36 (1) A city or county may impose a sales and use tax upon the retail
37 sale or use within the county by restaurants, taverns, and bars of food

1 and beverages that are taxable by the state under chapters 82.08 and
2 82.12 RCW. The rate of the tax may not exceed five-tenths of one
3 percent of the selling price in the case of a sales tax, or value of
4 the article used, in the case of a use tax. If the rate of tax is
5 below five-tenths of one percent, the rate must be in an increment of
6 one-tenth of one percent. The tax authorized under this section is in
7 addition to any other taxes authorized by law.

8 (2) Any county ordinance or resolution adopted under this section
9 must contain a provision allowing a credit against the county tax for
10 the full amount of any city tax imposed under this section upon the
11 same taxable event.

12 (3) As used in this section, "restaurant" does not include grocery
13 stores, mini markets, or convenience stores.

14 **Sec. 203.** RCW 82.14.350 and 1995 2nd sp.s. c 10 s 1 are each
15 amended to read as follows:

16 (1) A county legislative authority in a county with a population of
17 less than one million may (~~submit an authorizing proposition to the~~
18 ~~county voters, and if the proposition is approved by a majority of~~
19 ~~persons voting,)~~) fix and impose a sales and use tax in accordance with
20 the terms of this chapter for the purposes designated in subsection (3)
21 of this section.

22 (2) The tax authorized in this section (~~shall be~~) is in addition
23 to any other taxes authorized by law and shall be collected from those
24 persons who are taxable by the state under chapters 82.08 and 82.12 RCW
25 upon the occurrence of any taxable event within the county. The rate
26 of tax (~~shall~~) must equal one-tenth of one percent of the selling
27 price in the case of a sales tax, or value of the article used, in the
28 case of a use tax.

29 (3) Moneys received from any tax imposed under this section
30 (~~shall~~) must be used solely for the purpose of providing funds for
31 costs associated with financing, design, acquisition, construction,
32 equipping, operating, maintaining, remodeling, repairing, reequipping,
33 and improvement of juvenile detention facilities and jails.

34 (4) Counties are authorized to develop joint ventures to colocate
35 juvenile detention facilities and to colocate jails.

1 **Sec. 204.** RCW 82.14.450 and 2010 c 127 s 1 are each amended to
2 read as follows:

3 (1) A county legislative authority may (~~submit an authorizing~~
4 ~~proposition to the county voters at a primary or general election and,~~
5 ~~if the proposition is approved by a majority of persons voting, impose~~
6 ~~a sales and use tax in accordance with the terms of this chapter. The~~
7 ~~title of each ballot measure must clearly state the purposes for which~~
8 ~~the proposed sales and use tax will be used)) impose a sales and use
9 tax in accordance with this chapter. The rate of tax under this
10 section may not exceed three-tenths of one percent of the selling price
11 in the case of a sales tax, or value of the article used, in the case
12 of a use tax.~~

13 (2)(a) A city legislative authority may (~~submit an authorizing~~
14 ~~proposition to the city voters at a primary or general election and, if~~
15 ~~the proposition is approved by a majority of persons voting,~~) impose
16 a sales and use tax in accordance with the terms of this chapter.
17 (~~The title of each ballot measure must clearly state the purposes for~~
18 ~~which the proposed sales and use tax will be used.)) The rate of tax
19 under this subsection may not exceed one-tenth of one percent of the
20 selling price in the case of a sales tax, or value of the article used,
21 in the case of a use tax. (~~A city may not begin imposing a tax~~
22 ~~approved by the voters under this subsection prior to January 1,~~
23 ~~2011.))~~~~

24 (b) If a county (~~adopts an ordinance or resolution to submit a~~
25 ~~ballot proposition to the voters to~~) imposes the sales and use tax
26 under subsection (1) of this section prior to a city within the county
27 (~~adopting an ordinance or resolution to submit a ballot proposition to~~
28 ~~the voters to impose~~) imposing the tax under this subsection, the rate
29 of tax by the city under this subsection may not exceed an amount that
30 would cause the total county and city tax rate under this section to
31 exceed three-tenths of one percent. This subsection (2)(b) also
32 applies if the county and city adopt an ordinance or resolution to
33 impose sales and use taxes under this section on the same date.

34 (c) If the city (~~adopts an ordinance or resolution to submit a~~
35 ~~ballot proposition to the voters to~~) imposes the sales and use tax
36 under this subsection prior to the county in which the city is located,
37 the county must provide a credit against its tax under subsection (1)

1 of this section for the city tax under this subsection to the extent
2 the total county and city tax rate under this section would exceed
3 three-tenths of one percent.

4 (3) The tax authorized in this section is in addition to any other
5 taxes authorized by law and must be collected from those persons who
6 are taxable by the state under chapters 82.08 and 82.12 RCW upon the
7 occurrence of any taxable event within the county.

8 (4) The retail sale or use of motor vehicles, and the lease of
9 motor vehicles for up to the first thirty-six months of the lease, are
10 exempt from tax imposed under this section.

11 (5) One-third of all money received under this section must be used
12 solely for criminal justice purposes, fire protection purposes, or
13 both. For the purposes of this subsection, "criminal justice purposes"
14 has the same meaning as provided in RCW 82.14.340.

15 (6) Money received by a county under subsection (1) of this section
16 must be shared between the county and the cities as follows: Sixty
17 percent must be retained by the county and forty percent must be
18 distributed on a per capita basis to cities in the county.

19 (7) Tax proceeds received by a city imposing a tax under this
20 section must be shared between the county and city as follows: Fifteen
21 percent must be distributed to the county and eighty-five percent is
22 retained by the city.

23 **Sec. 205.** RCW 82.14.460 and 2011 c 347 s 1 are each amended to
24 read as follows:

25 (1)(a) A county legislative authority may authorize, fix, and
26 impose a sales and use tax in accordance with the terms of this
27 chapter.

28 (b) If a county with a population over eight hundred thousand has
29 not imposed the tax authorized under this subsection by January 1,
30 2011, any city with a population over thirty thousand located in that
31 county may authorize, fix, and impose the sales and use tax in
32 accordance with the terms of this chapter. The county must provide a
33 credit against its tax for the full amount of tax imposed under this
34 subsection (1)(b) by any city located in that county if the county
35 imposes the tax after January 1, 2011.

36 (2) The tax authorized in this section is in addition to any other
37 taxes authorized by law and must be collected from those persons who

1 are taxable by the state under chapters 82.08 and 82.12 RCW upon the
2 occurrence of any taxable event within the county for a county's tax
3 and within a city for a city's tax. The rate of tax equals one-tenth
4 of one percent of the selling price in the case of a sales tax, or
5 value of the article used, in the case of a use tax.

6 (3) Moneys collected under this section must be used solely for the
7 purpose of providing for the operation or delivery of chemical
8 dependency or mental health treatment programs and services and for the
9 operation or delivery of therapeutic court programs and services. For
10 the purposes of this section, "programs and services" includes, but is
11 not limited to, treatment services, case management, and housing that
12 are a component of a coordinated chemical dependency or mental health
13 treatment program or service.

14 (4) All moneys collected under this section must be used solely for
15 the purpose of providing new or expanded programs and services as
16 provided in this section, except as follows:

17 (a) For a county with a population larger than twenty-five thousand
18 or a city with a population over thirty thousand, which initially
19 imposed the tax authorized under this section prior to January 1, 2012,
20 a portion of moneys collected under this section may be used to
21 supplant existing funding for these purposes as follows: Up to fifty
22 percent may be used to supplant existing funding in calendar years
23 2011-2012; up to forty percent may be used to supplant existing funding
24 in calendar year 2013; up to thirty percent may be used to supplant
25 existing funding in calendar year 2014; up to twenty percent may be
26 used to supplant existing funding in calendar year 2015; and up to ten
27 percent may be used to supplant existing funding in calendar year 2016;

28 (b) For a county with a population larger than twenty-five thousand
29 or a city with a population over thirty thousand, which initially
30 imposes the tax authorized under this section after December 31, 2011,
31 a portion of moneys collected under this section may be used to
32 supplant existing funding for these purposes as follows: Up to fifty
33 percent may be used to supplant existing funding for up to the first
34 three calendar years following adoption; and up to twenty-five percent
35 may be used to supplant existing funding for the fourth and fifth years
36 after adoption;

37 (c) For a county with a population of less than twenty-five
38 thousand, a portion of moneys collected under this section may be used

1 to supplant existing funding for these purposes as follows: Up to
2 eighty percent may be used to supplant existing funding in calendar
3 years 2011-2012; up to sixty percent may be used to supplant existing
4 funding in calendar year 2013; up to forty percent may be used to
5 supplant existing funding in calendar year 2014; up to twenty percent
6 may be used to supplant existing funding in calendar year 2015; and up
7 to ten percent may be used to supplant existing funding in calendar
8 year 2016; and

9 ~~((e))~~ (d) Notwithstanding (a) and ~~((b))~~ (c) of this subsection,
10 moneys collected under this section may be used to support the cost of
11 the judicial officer and support staff of a therapeutic court.

12 (5) Nothing in this section may be interpreted to prohibit the use
13 of moneys collected under this section for the replacement of lapsed
14 federal funding previously provided for the operation or delivery of
15 services and programs as provided in this section.

16 NEW SECTION. Sec. 206. The legislature recognizes counties have
17 limited revenue options and their capacity has been further limited
18 over the past decade. The legislature also recognizes the counties'
19 reliance on the limited revenue authorities makes it difficult for
20 counties to provide the necessary and required services to their
21 residents. The legislature also recognizes that cities have diverse
22 revenue options and the differences between cities and counties can be
23 confusing for both residents and businesses within a county. The
24 legislature also finds that a majority of citizens and businesses are
25 already paying a utility tax. The legislature intends to provide
26 counties with a utility tax option in order to help diversify revenue
27 options in order to provide necessary and required services.

28 NEW SECTION. Sec. 207. (1) Subject to the conditions and
29 requirements of this section, a county may impose an excise tax on the
30 privilege of engaging in business as a utility. The tax is equal to
31 the gross income of the utility derived from providing service to
32 consumers within the county multiplied by the rate provided in
33 subsection (2) of this section. A county may submit a ballot
34 proposition to the voters to seek voter approval to impose the tax
35 authorized under this section, but is not required to do so.

36 (2) A county may not impose a rate of tax that exceeds six percent.

1 (3) A county must use taxes collected under the authority of this
2 section only for public safety, infrastructure, capital projects, and
3 other services.

4 (4) A utility subject to tax under this section must add the tax to
5 the rates or charges it makes for utility services and separately state
6 the amount of tax on billings.

7 (5) A county may initially impose the tax authorized under this
8 section only on the first day of a calendar quarter and no sooner than
9 seventy-five days from the date the county adopts the ordinance or
10 resolution imposing the tax.

11 (6) A county may not impose a utility tax on manufacturing
12 facilities, aircraft repair facilities, industrial parks, industrial
13 facilities, farm businesses, and computer data centers. A county may
14 not provide a general exemption for sales by utilities to residential
15 customers unless business customers are also exempt.

16 (7) A county must allow a credit against the cable service utility
17 tax for any franchise fee paid by the cable service utility to the
18 county.

19 (8) A county must allow a credit against the tax imposed under the
20 authority of this section for the amount of any similar utility tax
21 imposed by a city or town on the same taxable event. The credit
22 required by this subsection may not exceed the amount of tax otherwise
23 due.

24 (9) In addition to any credit allowed under this section, a county,
25 at the request of a city or town, must provide a full or partial
26 deduction, as specified by the city or town, for any income derived
27 from the provision of utility service within the city or town.

28 (10) The definitions in this subsection apply throughout this
29 section.

30 (a) "Cable service utility" means a person providing cable service
31 as defined in the federal telecommunications act of 1996.

32 (b) "Electrical power utility" has the same meaning as light and
33 power business as defined in RCW 82.16.010.

34 (c) "Gas utility" has the same meaning as gas distribution business
35 as defined in RCW 82.16.010.

36 (d) "Gross income" is defined as provided in RCW 82.16.010.

37 (e) "Sewer utility" means a sewerage collection business as that
38 term is used in chapter 82.16 RCW.

1 (f) "Solid waste utility" means a solid waste collection business
2 as defined in RCW 82.18.010.

3 (g) "Telephone utility" means a person providing telecommunications
4 service as defined in RCW 82.04.065.

5 (h) "Utility" means an electrical power utility, gas utility,
6 telephone utility, water utility, sewer utility, solid waste utility,
7 or cable service utility.

8 (i) "Water utility" means a water distribution business as defined
9 in RCW 82.16.010.

10 **Sec. 208.** RCW 82.02.020 and 2010 c 153 s 3 are each amended to
11 read as follows:

12 (1) Except only as expressly provided in chapters 67.28, 81.104,
13 and 82.14 RCW, the state preempts the field of imposing retail sales
14 and use taxes and taxes upon parimutuel wagering authorized pursuant to
15 RCW 67.16.060, conveyances, and cigarettes, and no county, town, or
16 other municipal subdivision (~~(shall have)~~) has the right to impose
17 taxes of that nature. Except as provided in RCW 64.34.440 and
18 82.02.050 through 82.02.090, no county, city, town, or other municipal
19 corporation (~~(shall)~~) may impose any tax, fee, or charge, either direct
20 or indirect, on the construction or reconstruction of residential
21 buildings, commercial buildings, industrial buildings, or on any other
22 building or building space or appurtenance thereto, or on the
23 development, subdivision, classification, or reclassification of land.
24 However, this section does not preclude dedications of land or
25 easements within the proposed development or plat which the county,
26 city, town, or other municipal corporation can demonstrate are
27 reasonably necessary as a direct result of the proposed development or
28 plat to which the dedication of land or easement is to apply.

29 (2) This section does not prohibit voluntary agreements with
30 counties, cities, towns, or other municipal corporations that allow a
31 payment in lieu of a dedication of land or to mitigate a direct impact
32 that has been identified as a consequence of a proposed development,
33 subdivision, or plat. A local government (~~(shall)~~) may not use such
34 voluntary agreements for local off-site transportation improvements
35 within the geographic boundaries of the area or areas covered by an
36 adopted transportation program authorized by chapter 39.92 RCW. Any
37 such voluntary agreement is subject to the following provisions:

1 (~~(1)~~) (a) The payment (~~(shall)~~) must be held in a reserve account
2 and may only be expended to fund a capital improvement agreed upon by
3 the parties to mitigate the identified, direct impact;

4 (~~(2)~~) (b) The payment (~~(shall)~~) must be expended in all cases
5 within five years of collection; and

6 (~~(3)~~) (c) Any payment not so expended (~~(shall)~~) must be refunded
7 with interest to be calculated from the original date the deposit was
8 received by the county and at the same rate applied to tax refunds
9 pursuant to RCW 84.69.100; however, if the payment is not expended
10 within five years due to delay attributable to the developer, the
11 payment (~~(shall)~~) must be refunded without interest.

12 (3) No county, city, town, or other municipal corporation (~~(shall)~~)
13 may require any payment as part of such a voluntary agreement which the
14 county, city, town, or other municipal corporation cannot establish is
15 reasonably necessary as a direct result of the proposed development or
16 plat.

17 (4) Nothing in this section prohibits cities, towns, counties, or
18 other municipal corporations from collecting reasonable fees from an
19 applicant for a permit or other governmental approval to cover the cost
20 to the city, town, county, or other municipal corporation of processing
21 applications, including proportionate staffing, administrative, and
22 facility costs associated with the processing of applications,
23 inspecting and reviewing plans, or preparing detailed statements
24 required by chapter 43.21C RCW, including reasonable fees that are
25 consistent with RCW 43.21C.420(6).

26 (5) This section does not limit the existing authority of any
27 county, city, town, or other municipal corporation to impose special
28 assessments on property specifically benefited thereby in the manner
29 prescribed by law.

30 (6) Nothing in this section prohibits counties, cities, or towns
31 from imposing or permits counties, cities, or towns to impose water,
32 sewer, natural gas, drainage utility, and drainage system charges.
33 However, no such charge (~~(shall)~~) may exceed the proportionate share of
34 such utility or system's capital costs which the county, city, or town
35 can demonstrate are attributable to the property being charged.
36 Furthermore, these provisions may not be interpreted to expand or
37 contract any existing authority of counties, cities, or towns to impose
38 such charges.

1 (7) Nothing in this section prohibits a transportation benefit
2 district from imposing fees or charges authorized in RCW 36.73.120 nor
3 prohibits the legislative authority of a county, city, or town from
4 approving the imposition of such fees within a transportation benefit
5 district.

6 (8) Nothing in this section prohibits counties, cities, or towns
7 from imposing transportation impact fees authorized pursuant to chapter
8 39.92 RCW.

9 (9) Nothing in this section prohibits counties, cities, or towns
10 from requiring property owners to provide relocation assistance to
11 tenants under RCW 59.18.440 and 59.18.450.

12 (10) Nothing in this section limits the authority of counties,
13 cities, or towns to implement programs consistent with RCW 36.70A.540,
14 nor to enforce agreements made pursuant to such programs.

15 (11) This section does not apply to special purpose districts
16 formed and acting pursuant to Title 54, 57, or 87 RCW, nor is the
17 authority conferred by these titles affected.

18 NEW SECTION. **Sec. 209.** A new section is added to chapter 35.21
19 RCW to read as follows:

20 Cities are authorized to accept credit cards, charge cards, debit
21 cards, smart cards, stored value cards, federal wire, and automatic
22 clearinghouse system transactions, or other electronic communication,
23 for any payment of any kind including, but not limited to, taxes,
24 fines, interest, penalties, special assessments, fees, rates, charges,
25 or moneys due cities. A payer desiring to pay by a credit card, charge
26 card, debit card, smart card, stored value card, federal wire,
27 automatic clearinghouse system, or other electronic communication must
28 bear the cost of processing the transaction in an amount determined by
29 the city, unless the city legislative authority finds that it is in the
30 best interests of the city to not charge transaction processing costs
31 for all payment transactions made for a specific category of payments.
32 The city's cost determination must be based upon costs incurred by the
33 city and may not, in any event, exceed the additional direct costs
34 incurred by the city to accept the specific form of payment utilized by
35 the payer.

1 dollars divided into four equal deposits occurring on July 1, October
2 1, January 1, and April 1. For each fiscal year thereafter, the state
3 treasurer must increase the total transfer by the fiscal growth factor,
4 as defined in RCW 43.135.025, forecast for that fiscal year by the
5 office of financial management in November of the preceding year.

6 (2) The moneys deposited in the county criminal justice assistance
7 account for distribution under this section, less any moneys
8 appropriated for purposes under subsection (4) of this section, must be
9 distributed at such times as distributions are made under RCW 82.44.150
10 and on the relative basis of each county's funding factor as determined
11 under this subsection.

12 (a) A county's funding factor is the sum of:

13 (i) The population of the county, divided by one thousand, and
14 multiplied by two-tenths;

15 (ii) The crime rate of the county, multiplied by three-tenths; and

16 (iii) The annual number of criminal cases filed in the county
17 superior court, for each one thousand in population, multiplied by
18 five-tenths.

19 (b) Under this section and RCW 82.14.320 and 82.14.330:

20 (i) The population of the county or city is as last determined by
21 the office of financial management;

22 (ii) The crime rate of the county or city is the annual occurrence
23 of specified criminal offenses, as calculated in the most recent annual
24 report on crime in Washington state as published by the Washington
25 association of sheriffs and police chiefs, for each one thousand in
26 population;

27 (iii) The annual number of criminal cases filed in the county
28 superior court must be determined by the most recent annual report of
29 the courts of Washington, as published by the administrative office of
30 the courts;

31 (iv) Distributions and eligibility for distributions in the 1989-
32 1991 biennium must be based on 1988 figures for both the crime rate as
33 described under (ii) of this subsection and the annual number of
34 criminal cases that are filed as described under (iii) of this
35 subsection. Future distributions must be based on the most recent
36 figures for both the crime rate as described under (ii) of this
37 subsection and the annual number of criminal cases that are filed as
38 described under (iii) of this subsection.

1 (3) Moneys distributed under this section must be expended
2 exclusively for criminal justice purposes and may 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 or juvenile justice system occurs, and which includes (a)
7 domestic violence services such as those provided by domestic violence
8 programs, community advocates, and legal advocates, as defined in RCW
9 70.123.020, and (b) during the 2001-2003 fiscal biennium, juvenile
10 dispositional hearings relating to petitions for at-risk youth,
11 truancy, and children in need of services. Existing funding for
12 purposes of this subsection is defined as calendar year 1989 actual
13 operating expenditures for criminal justice purposes. Calendar year
14 1989 actual operating expenditures for criminal justice purposes
15 exclude the following: Expenditures for extraordinary events not
16 likely to reoccur, changes in contract provisions for criminal justice
17 services, beyond the control of the local jurisdiction receiving the
18 services, and major nonrecurring capital expenditures.

19 (4) Not more than five percent of the funds deposited to the county
20 criminal justice assistance account may be available for appropriations
21 for enhancements to the state patrol crime laboratory system and the
22 continuing costs related to these enhancements. Funds appropriated
23 from this account for such enhancements may not supplant existing funds
24 from the state general fund.

25 (5) (~~During the 2011-2013 fiscal biennium,~~) Until October 1,
26 2012, the amount that would otherwise be transferred into the county
27 criminal justice assistance account from the general fund under
28 subsection (1) of this section must be reduced by 3.4 percent.

29 (6) After October 1, 2012, the state treasurer may not make any
30 additional transfers into the county criminal justice assistance
31 account or distributions to counties under this section.

32 **Sec. 303.** RCW 82.14.320 and 2011 1st sp.s. c 50 s 971 are each
33 amended to read as follows:

34 (1) The municipal criminal justice assistance account is created in
35 the state treasury. Beginning in fiscal year 2000, the state treasurer
36 must transfer into the municipal criminal justice assistance account
37 for distribution under this section from the general fund the sum of

1 four million six hundred thousand dollars divided into four equal
2 deposits occurring on July 1, October 1, January 1, and April 1. For
3 each fiscal year thereafter, the state treasurer must increase the
4 total transfer by the fiscal growth factor, as defined in RCW
5 43.135.025, forecast for that fiscal year by the office of financial
6 management in November of the preceding year.

7 (2) No city may receive a distribution under this section from the
8 municipal criminal justice assistance account unless:

9 (a) The city has a crime rate in excess of one hundred twenty-five
10 percent of the statewide average as calculated in the most recent
11 annual report on crime in Washington state as published by the
12 Washington association of sheriffs and police chiefs;

13 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
14 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
15 maximum rate; and

16 (c) The city has a per capita yield from the tax imposed under RCW
17 82.14.030(1) at the maximum rate of less than one hundred fifty percent
18 of the statewide average per capita yield for all cities from such
19 local sales and use tax.

20 (3) The moneys deposited in the municipal criminal justice
21 assistance account for distribution under this section, less any moneys
22 appropriated for purposes under subsection (7) of this section, must be
23 distributed at such times as distributions are made under RCW
24 82.44.150. The distributions must be made as follows:

25 (a) Unless reduced by this subsection, thirty percent of the moneys
26 must be distributed ratably based on population as last determined by
27 the office of financial management to those cities eligible under
28 subsection (2) of this section that have a crime rate determined under
29 subsection (2)(a) of this section which is greater than one hundred
30 seventy-five percent of the statewide average crime rate. No city may
31 receive more than fifty percent of any moneys distributed under this
32 subsection (a) but, if a city distribution is reduced as a result of
33 exceeding the fifty percent limitation, the amount not distributed must
34 be distributed under (b) of this subsection.

35 (b) The remainder of the moneys, including any moneys not
36 distributed in subsection (2)(a) of this section, must be distributed
37 to all cities eligible under subsection (2) of this section ratably

1 based on population as last determined by the office of financial
2 management.

3 (4) No city may receive more than thirty percent of all moneys
4 distributed under subsection (3) of this section.

5 (5) Notwithstanding other provisions of this section, the
6 distributions to any city that substantially decriminalizes or repeals
7 its criminal code after July 1, 1990, and that does not reimburse the
8 county for costs associated with criminal cases under RCW 3.50.800 or
9 3.50.805(2), must be made to the county in which the city is located.

10 (6) Moneys distributed under this section must be expended
11 exclusively for criminal justice purposes and may not be used to
12 replace or supplant existing funding. Criminal justice purposes are
13 defined as activities that substantially assist the criminal justice
14 system, which may include circumstances where ancillary benefit to the
15 civil justice system occurs, and which includes domestic violence
16 services such as those provided by domestic violence programs,
17 community advocates, and legal advocates, as defined in RCW 70.123.020,
18 and publications and public educational efforts designed to provide
19 information and assistance to parents in dealing with runaway or at-
20 risk youth. Existing funding for purposes of this subsection is
21 defined as calendar year 1989 actual operating expenditures for
22 criminal justice purposes. Calendar year 1989 actual operating
23 expenditures for criminal justice purposes exclude the following:
24 Expenditures for extraordinary events not likely to reoccur, changes in
25 contract provisions for criminal justice services, beyond the control
26 of the local jurisdiction receiving the services, and major
27 nonrecurring capital expenditures.

28 (7) Not more than five percent of the funds deposited to the
29 municipal criminal justice assistance account may be available for
30 appropriations for enhancements to the state patrol crime laboratory
31 system and the continuing costs related to these enhancements. Funds
32 appropriated from this account for such enhancements may not supplant
33 existing funds from the state general fund.

34 (8) (~~During the 2011-2013 fiscal biennium,~~) Until October 1,
35 2012, the amount that would otherwise be transferred into the municipal
36 criminal justice assistance account from the general fund under
37 subsection (1) of this section must be reduced by 3.4 percent.

1 (9) After October 1, 2012, the state treasurer may not make any
2 additional transfers into the municipal criminal justice assistance
3 account or distributions to local governments under this section.

4 **Sec. 304.** RCW 82.14.330 and 2011 1st sp.s. c 50 s 972 are each
5 amended to read as follows:

6 (1)(a) Beginning in fiscal year 2000, the state treasurer must
7 transfer into the municipal criminal justice assistance account for
8 distribution under this section from the general fund the sum of four
9 million six hundred thousand dollars divided into four equal deposits
10 occurring on July 1, October 1, January 1, and April 1. For each
11 fiscal year thereafter, the state treasurer must increase the total
12 transfer by the fiscal growth factor, as defined in RCW 43.135.025,
13 forecast for that fiscal year by the office of financial management in
14 November of the preceding year. The moneys deposited in the municipal
15 criminal justice assistance account for distribution under this
16 section, less any moneys appropriated for purposes under subsection (4)
17 of this section, must be distributed to the cities of the state as
18 follows:

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

36 (ii) Sixteen percent must be distributed to cities ratably based on

1 population as last determined by the office of financial management,
2 but no city may receive less than one thousand dollars.

3 (b) The moneys deposited in the municipal criminal justice
4 assistance account for distribution under this subsection (1) must be
5 distributed at such times as distributions are made under RCW
6 82.44.150.

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

22 (2)(a) In addition to the distributions under subsection (1) of
23 this section:

24 (i) Ten percent must be distributed on a per capita basis to cities
25 that contract with another governmental agency for the majority of the
26 city's law enforcement services. Cities that subsequently qualify for
27 this distribution must notify the department of commerce by November
28 30th for the upcoming calendar year. The department of commerce must
29 provide a list of eligible cities to the state treasurer by December
30 31st. The state treasurer must modify the distribution of these funds
31 in the following year. Cities have the responsibility to notify the
32 department of commerce of any changes regarding these contractual
33 relationships. Adjustments in the distribution formula to add or
34 delete cities may be made only for the upcoming calendar year; no
35 adjustments may be made retroactively.

36 (ii) The remaining fifty-four percent must be distributed to cities
37 and towns by the state treasurer on a per capita basis. These funds
38 must be used for: (A) Innovative law enforcement strategies; (B)

1 programs to help at-risk children or child abuse victim response
2 programs; and (C) programs designed to reduce the level of domestic
3 violence or to provide counseling for domestic violence victims.

4 (b) The moneys deposited in the municipal criminal justice
5 assistance account for distribution under this subsection (2), less any
6 moneys appropriated for purposes under subsection (4) of this section,
7 must be distributed at the times as distributions are made under RCW
8 82.44.150. Moneys remaining undistributed under this subsection at the
9 end of each calendar year must be distributed to the criminal justice
10 training commission to reimburse participating city law enforcement
11 agencies with ten or fewer full-time commissioned patrol officers the
12 cost of temporary replacement of each officer who is enrolled in basic
13 law enforcement training, as provided in RCW 43.101.200.

14 (c) If a city is found by the state auditor to have expended funds
15 received under this subsection (2) in a manner that does not comply
16 with the criteria under which the moneys were received, the city is
17 ineligible to receive future distributions under this subsection (2)
18 until the use of the moneys are justified to the satisfaction of the
19 director or are repaid to the state general fund.

20 (3) Notwithstanding other provisions of this section, the
21 distributions to any city that substantially decriminalizes or repeals
22 its criminal code after July 1, 1990, and that does not reimburse the
23 county for costs associated with criminal cases under RCW 3.50.800 or
24 3.50.805(2), must be made to the county in which the city is located.

25 (4) Not more than five percent of the funds deposited to the
26 municipal criminal justice assistance account may be available for
27 appropriations for enhancements to the state patrol crime laboratory
28 system and the continuing costs related to these enhancements. Funds
29 appropriated from this account for such enhancements may not supplant
30 existing funds from the state general fund.

31 (5) (~~During the 2011-2013 fiscal biennium,~~) Until October 1,
32 2012, the amount that would otherwise be transferred into the municipal
33 criminal justice assistance account from the general fund under
34 subsection (1) of this section must be reduced by 3.4 percent.

35 (6) After October 1, 2012, the state treasurer may not make any
36 additional transfers into the municipal criminal justice assistance
37 account or distributions to local governments under this section.

1 **Sec. 305.** RCW 82.14.370 and 2009 c 511 s 1 are each amended to
2 read as follows:

3 (1) The legislative authority of a rural county may impose a sales
4 and use tax in accordance with the terms of this chapter. The tax is
5 in addition to other taxes authorized by law and (~~shall~~) must be
6 collected from those persons who are taxable by the state under
7 chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event
8 within the county. The rate of tax (~~shall~~) may not exceed (~~0.09~~)
9 0.1 percent of the selling price in the case of a sales tax or value of
10 the article used in the case of a use tax, except that for rural
11 counties with population densities between sixty and one hundred
12 persons per square mile, the rate (~~shall~~) may not exceed 0.04 percent
13 before January 1, 2000.

14 (2) (~~The tax imposed under subsection (1) of this section shall be~~
15 ~~deducted from the amount of tax otherwise required to be collected or~~
16 ~~paid over to the department of revenue under chapter 82.08 or 82.12~~
17 ~~RCW.)) The department of revenue (~~shall~~) must perform the collection
18 of such taxes on behalf of the county at no cost to the county.~~

19 (3)(a) Moneys collected under this section (~~shall~~) may only be
20 used to finance public facilities serving economic development purposes
21 in rural counties and finance personnel in economic development
22 offices. The public facility must be listed as an item in the
23 officially adopted county overall economic development plan, or the
24 economic development section of the county's comprehensive plan, or the
25 comprehensive plan of a city or town located within the county for
26 those counties planning under RCW 36.70A.040. For those counties that
27 do not have an adopted overall economic development plan and do not
28 plan under the growth management act, the public facility must be
29 listed in the county's capital facilities plan or the capital
30 facilities plan of a city or town located within the county.

31 (b) In implementing this section, the county (~~shall~~) must consult
32 with cities, towns, and port districts located within the county and
33 the associate development organization serving the county to ensure
34 that the expenditure meets the goals of chapter 130, Laws of 2004 and
35 the requirements of (a) of this subsection. Each county collecting
36 money under this section (~~shall~~) must report, as follows, to the
37 office of the state auditor, within one hundred fifty days after the
38 close of each fiscal year: (i) A list of new projects begun during the

1 fiscal year, showing that the county has used the funds for those
2 projects consistent with the goals of chapter 130, Laws of 2004 and the
3 requirements of (a) of this subsection; and (ii) expenditures during
4 the fiscal year on projects begun in a previous year. Any projects
5 financed prior to June 10, 2004, from the proceeds of obligations to
6 which the tax imposed under subsection (1) of this section has been
7 pledged (~~shall~~) may not be deemed to be new projects under this
8 subsection. No new projects funded with money collected under this
9 section may be for justice system facilities.

10 (c) The definitions in this section apply throughout this section.

11 (i) "Public facilities" means bridges, roads, domestic and
12 industrial water facilities, sanitary sewer facilities, earth
13 stabilization, storm sewer facilities, railroad, electricity, natural
14 gas, buildings, structures, telecommunications infrastructure,
15 transportation infrastructure, or commercial infrastructure, and port
16 facilities in the state of Washington.

17 (ii) "Economic development purposes" means those purposes which
18 facilitate the creation or retention of businesses and jobs in a
19 county.

20 (iii) "Economic development office" means an office of a county,
21 port districts, or an associate development organization as defined in
22 RCW 43.330.010, which promotes economic development purposes within the
23 county.

24 (4) No tax may be collected under this section before July 1, 1998.

25 (a) Except as provided in (b) of this subsection, no tax may be
26 collected under this section by a county more than twenty-five years
27 after the date that a tax is first imposed under this section.

28 (b) For counties imposing the tax at the rate of 0.09 percent
29 before August 1, 2009, the tax expires on the date that is twenty-five
30 years after the date that the 0.09 percent tax rate was first imposed
31 by that county.

32 (5) For purposes of this section, "rural county" means a county
33 with a population density of less than one hundred persons per square
34 mile or a county smaller than two hundred twenty-five square miles as
35 determined by the office of financial management and published each
36 year by the department for the period July 1st to June 30th.

1 **Sec. 306.** RCW 66.24.290 and 2010 1st sp.s. c 23 s 1301 are each
2 amended to read as follows:

3 (1) Any microbrewer or domestic brewery or beer distributor
4 licensed under this title may sell and deliver beer and strong beer to
5 holders of authorized licenses direct, but to no other person, other
6 than the board. Any certificate of approval holder authorized to act
7 as a distributor under RCW 66.24.270 (~~shall~~) must pay the taxes
8 imposed by this section.

9 (a) Every such brewery or beer distributor (~~shall~~) must report
10 all sales to the board monthly, pursuant to the regulations, and
11 (~~shall~~) must pay to the board as an added tax for the privilege of
12 manufacturing and selling the beer and strong beer within the state a
13 tax of one dollar and thirty cents per barrel of thirty-one gallons on
14 sales to licensees within the state and on sales to licensees within
15 the state of bottled and canned beer, including strong beer, (~~shall~~)
16 must pay a tax computed in gallons at the rate of one dollar and thirty
17 cents per barrel of thirty-one gallons.

18 (b) Any brewery or beer distributor whose applicable tax payment is
19 not postmarked by the twentieth day following the month of sale will be
20 assessed a penalty at the rate of two percent per month or fraction
21 thereof. Beer and strong beer (~~shall~~) must be sold by breweries and
22 distributors in sealed barrels or packages.

23 (c) The moneys collected under this subsection (~~shall~~) must be
24 distributed as follows through December 31, 2012: (i) Three-tenths of
25 a percent (~~shall~~) must be distributed to border areas under RCW
26 66.08.195; and (ii) of the remaining moneys: (A) Twenty percent
27 (~~shall~~) must be distributed to counties in the same manner as under
28 RCW 66.08.200; and (B) eighty percent (~~shall~~) must be distributed to
29 incorporated cities and towns in the same manner as under RCW
30 66.08.210. Beginning January 1, 2013, the moneys collected under this
31 subsection must be deposited in the state general fund.

32 (d) Any licensed retailer authorized to purchase beer from a
33 certificate of approval holder with a direct shipment endorsement or a
34 brewery or microbrewery (~~shall~~) must make monthly reports to the
35 liquor control board on beer purchased during the preceding calendar
36 month in the manner and upon such forms as may be prescribed by the
37 board.

1 (2) An additional tax is imposed on all beer and strong beer
2 subject to tax under subsection (1) of this section. The additional
3 tax is equal to two dollars per barrel of thirty-one gallons. All
4 revenues collected during any month from this additional tax (~~shall~~)
5 must be deposited in the state general fund by the twenty-fifth day of
6 the following month.

7 (3)(a) An additional tax is imposed on all beer and strong beer
8 subject to tax under subsection (1) of this section. The additional
9 tax is equal to ninety-six cents per barrel of thirty-one gallons
10 through June 30, 1995, two dollars and thirty-nine cents per barrel of
11 thirty-one gallons for the period July 1, 1995, through June 30, 1997,
12 and four dollars and seventy-eight cents per barrel of thirty-one
13 gallons thereafter.

14 (b) The additional tax imposed under this subsection does not apply
15 to the sale of the first sixty thousand barrels of beer each year by
16 breweries that are entitled to a reduced rate of tax under 26 U.S.C.
17 Sec. 5051, as existing on July 1, 1993, or such subsequent date as may
18 be provided by the board by rule consistent with the purposes of this
19 exemption.

20 (c) All revenues collected from the additional tax imposed under
21 this subsection (3) (~~shall~~) must be deposited in the state general
22 fund.

23 (4) An additional tax is imposed on all beer and strong beer that
24 is subject to tax under subsection (1) of this section that is in the
25 first sixty thousand barrels of beer and strong beer by breweries that
26 are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as
27 existing on July 1, 1993, or such subsequent date as may be provided by
28 the board by rule consistent with the purposes of the exemption under
29 subsection (3)(b) of this section. The additional tax is equal to one
30 dollar and forty-eight and two-tenths cents per barrel of thirty-one
31 gallons. By the twenty-fifth day of the following month, three percent
32 of the revenues collected from this additional tax (~~shall~~) must be
33 distributed to border areas under RCW 66.08.195 and the remaining
34 moneys (~~shall~~) must be transferred to the state general fund.
35 Beginning January 1, 2013, the moneys collected under this subsection
36 must be deposited in the state general fund.

37 (5)(a) From June 1, 2010, through June 30, 2013, an additional tax

1 is imposed on all beer and strong beer subject to tax under subsection
2 (1) of this section. The additional tax is equal to fifteen dollars
3 and fifty cents per barrel of thirty-one gallons.

4 (b) The additional tax imposed under this subsection does not apply
5 to the sale of the first sixty thousand barrels of beer each year by
6 breweries that are entitled to a reduced rate of tax under 26 U.S.C.
7 Sec. 5051 of the federal internal revenue code, as existing on July 1,
8 1993, or such subsequent date as may be provided by the board by rule
9 consistent with the purposes of this exemption.

10 (c) All revenues collected from the additional tax imposed under
11 this subsection (~~shall~~) must be deposited in the state general fund.

12 (6) The board may make refunds for all taxes paid on beer and
13 strong beer exported from the state for use outside the state.

14 (7) The board may require filing with the board of a bond to be
15 approved by it, in such amount as the board may fix, securing the
16 payment of the tax. If any licensee fails to pay the tax when due, the
17 board may forthwith suspend or cancel his or her license until all
18 taxes are paid.

19 **Sec. 307.** RCW 82.08.160 and 2011 1st sp.s. c 50 s 969 are each
20 amended to read as follows:

21 (1) On or before the twenty-fifth day of each month, all taxes
22 collected under RCW 82.08.150 during the preceding month must be
23 remitted to the state department of revenue, to be deposited with the
24 state treasurer. (~~Except as provided in subsection (2) of this~~
25 ~~section,~~) Upon receipt of such moneys the state treasurer must credit
26 ((~~sixty-five percent~~)) the percentage specified under subsection (2) of
27 this section of the sums collected and remitted under RCW 82.08.150 (1)
28 and (2) and one hundred percent of the sums collected and remitted
29 under RCW 82.08.150 (3) and (4) to the state general fund and (~~(~~thirty-~~~~
30 ~~five percent~~)) the percentage specified under subsection (2) of this
31 section of the sums collected and remitted under RCW 82.08.150 (1) and
32 (2) to a fund which is hereby created to be known as the "liquor excise
33 tax fund."

34 (2) (~~During the 2011-2013 fiscal biennium~~) Until January 1, 2013,
35 66.19 percent of the sums collected and remitted under RCW 82.08.150
36 (1) and (2) must be deposited in the state general fund and the
37 remainder collected and remitted under RCW 82.08.150 (1) and (2) must

1 be deposited in the liquor excise tax fund. Beginning January 1, 2013,
2 upon receipt of such moneys the state treasurer must credit one hundred
3 percent of the sums collected and remitted under RCW 82.08.150 (1) and
4 (2) to the general fund.

5 **Sec. 308.** RCW 82.08.170 and 2002 c 38 s 3 are each amended to read
6 as follows:

7 (1) During the months of January, April, July and October of each
8 year, the state treasurer (~~shall~~) must make the apportionment and
9 distribution of all moneys in the liquor excise tax fund to the
10 counties, cities and towns in the following proportions: (a) Twenty
11 percent of the moneys in the liquor excise tax fund (~~shall~~) must be
12 divided among and distributed to the counties of the state in
13 accordance with the provisions of RCW 66.08.200; and (b) eighty percent
14 of the moneys in the liquor excise tax fund (~~shall~~) must be divided
15 among and distributed to the cities and towns of the state in
16 accordance with the provisions of RCW 66.08.210.

17 (2) Each fiscal quarter and prior to making the twenty percent
18 distribution to counties under subsection (1)(a) of this section, the
19 treasurer (~~shall~~) must transfer to the county research services
20 account under RCW 43.110.050 sufficient moneys to fund the allotments
21 from any legislative appropriations from the county research services
22 account.

23 (3) After the October 2012 distribution, the state treasurer may
24 not make any additional transfers or distributions under subsections
25 (1) and (2) of this section.

26 NEW SECTION. **Sec. 309.** RCW 82.08.180 (Apportionment and
27 distribution from liquor excise tax fund--Withholding for
28 noncompliance) and 1991 sp.s. c 32 s 36, as now existing or hereafter
29 amended, are each repealed, effective January 1, 2013.

30 NEW SECTION. **Sec. 310.** All moneys remaining in the liquor excise
31 tax fund on January 1, 2013, must be deposited by the state treasurer
32 into the local government contingency account hereby created in the
33 state treasury. Money in the account may be spent only after
34 appropriation. Money in the account is for one-time grants to a county
35 or city if the city or county meets the following criteria: (1) The

1 city or county has imposed the local option sales tax under section 201
2 of this act; and (2) the city or county demonstrates that critical
3 services cannot be maintained without one-time grant funding. The
4 amounts provided in grants to a city or county under this section may
5 not exceed any net reductions in revenues to the jurisdictions from
6 other provisions of this act.

7 **Sec. 311.** RCW 43.110.030 and 2010 c 271 s 701 are each amended to
8 read as follows:

9 (1) The department of commerce (~~shall~~) must contract for the
10 provision of municipal research and services to cities, towns, and
11 counties. Contracts for municipal research and services (~~shall~~) must
12 be made with state agencies, educational institutions, or private
13 consulting firms, that in the judgment of the department are qualified
14 to provide such research and services. Contracts for staff support may
15 be made with state agencies, educational institutions, or private
16 consulting firms that in the judgment of the department are qualified
17 to provide such support.

18 (2) Municipal research and services (~~shall~~) must consist of:

19 (a) Studying and researching city, town, and county government and
20 issues relating to city, town, and county government;

21 (b) Acquiring, preparing, and distributing publications related to
22 city, town, and county government and issues relating to city, town,
23 and county government;

24 (c) Providing educational conferences relating to city, town, and
25 county government and issues relating to city, town, and county
26 government; and

27 (d) Furnishing legal, technical, consultative, and field services
28 to cities, towns, and counties concerning planning, public health,
29 utility services, fire protection, law enforcement, public works, and
30 other issues relating to city, town, and county government.

31 (3) Requests for legal services by county officials (~~shall~~) must
32 be sent to the office of the county prosecuting attorney. Responses by
33 the department of commerce to county requests for legal services
34 (~~shall~~) must be provided to the requesting official and the county
35 prosecuting attorney.

36 (4) The department of commerce (~~shall~~) must coordinate with the
37 association of Washington cities and the Washington state association

1 of counties in carrying out the activities in this section. ((Services
2 to cities and towns shall be based upon the moneys appropriated to the
3 department from the city and town research services account under RCW
4 43.110.060. Services to counties shall be based upon the moneys
5 appropriated to the department from the county research services
6 account under RCW 43.110.050.))

7 NEW SECTION. **Sec. 312.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 43.110.050 (County research services account) and 2002 c 38
10 s 1 & 1997 c 437 s 3; and

11 (2) RCW 43.110.060 (City and town research services account) and
12 2010 c 271 s 702, 2002 c 38 s 4, & 2000 c 227 s 1.

13 NEW SECTION. **Sec. 313.** All moneys remaining in the county
14 research services account and the city and town research services
15 account on January 1, 2013, must be deposited by the state treasurer
16 into the general fund.

17 **Sec. 314.** RCW 66.08.190 and 2011 1st sp.s. c 50 s 960 are each
18 amended to read as follows:

19 (1) ((~~Except for revenues generated by the 2003 surcharge of~~
20 ~~\$0.42/liter on retail sales of spirits that must be distributed to the~~
21 ~~state general fund during the 2003-2005 biennium,~~) During the months
22 of June, September, December, and March of each year, quarterly
23 distributions must be made to the department of commerce for the
24 support of the municipal research services centers, as provided in RCW
25 66.24.065.

26 (2)(a) When excess funds are distributed, all moneys subject to
27 distribution must be disbursed as ((~~follows:~~

28 ~~(a) Three tenths of one percent to border areas under RCW~~
29 ~~66.08.195; and~~

30 ~~(b) Except as provided in subsection (4) of this section, from the~~
31 ~~amount remaining after distribution under (a) of this subsection, (i)~~
32 ~~fifty percent to the general fund of the state, (ii) ten percent to the~~
33 ~~counties of the state, and (iii) forty percent to the incorporated~~
34 ~~cities and towns of the state.~~

1 ~~(2) During the months of June, September, December, and March of~~
2 ~~each year, prior to disbursing the distribution to incorporated cities~~
3 ~~and towns under subsection (1)(b) of this section, the treasurer must~~
4 ~~deduct from that distribution an amount that will fund that quarter's~~
5 ~~allotments under RCW 43.88.110 from any legislative appropriation from~~
6 ~~the city and town research services account. The treasurer must~~
7 ~~deposit the amount deducted into the city and town research services~~
8 ~~account.~~

9 ~~(3) The governor may notify and direct the state treasurer to~~
10 ~~withhold the revenues to which the counties and cities are entitled~~
11 ~~under this section if the counties or cities are found to be in~~
12 ~~noncompliance pursuant to RCW 36.70A.340.~~

13 ~~(4) During the 2011-2013 fiscal biennium, from the amount remaining~~
14 ~~after distribution under subsection (1)(a) of this section, (a) 51.7~~
15 ~~percent to the general fund of the state, (b) 9.7 percent to the~~
16 ~~counties of the state, and (c) 38.6 percent to the incorporated cities~~
17 ~~and towns of the state) Provided in (b) of this subsection (2).~~

18 (b) During the months of June, September, December, and March of
19 each year, quarterly distributions must be made to border areas,
20 counties, cities, and towns as provided in RCW 66.24.065.

21 (3) The amount remaining after distributions under subsections (1)
22 and (2) of this section must be deposited into the general fund.

23 **Sec. 315.** RCW 66.08.196 and 2001 c 8 s 2 are each amended to read
24 as follows:

25 (1) Distribution of funds to border areas under RCW 66.08.190 ((and
26 66.24.290 (1)(a) and (4) shall be)) is as follows:

27 ((+1)) (a) Sixty-five percent of the funds ((shall)) must be
28 distributed to border areas ratably based on border area traffic
29 totals;

30 ((+2)) (b) Twenty-five percent of the funds ((shall)) must be
31 distributed to border areas ratably based on border-related crime
32 statistics; and

33 ((+3)) (c) Ten percent of the funds ((shall)) must be distributed
34 to border areas ratably based upon border area per capita law
35 enforcement spending.

36 (2) Distributions to an unincorporated area ((shall)) must be made

1 to the county in which such an area is located and may only be spent on
2 services provided to that area.

3 NEW SECTION. **Sec. 316.** The following acts or parts of acts, as
4 now existing or hereafter amended, are each repealed, effective January
5 1, 2013:

6 (1) RCW 66.08.200 (Liquor revolving fund--Computation for
7 distribution to counties--"Unincorporated area" defined) and 1979 c 151
8 s 167, 1977 ex.s. c 110 s 2, & 1957 c 175 s 7; and

9 (2) RCW 66.08.210 (Liquor revolving fund--Computation for
10 distribution to cities) and 1979 c 151 s 168, 1977 ex.s. c 110 s 3, &
11 1957 c 175 s 8.

12 **Sec. 317.** RCW 35A.66.020 and 1967 ex.s. c 119 s 35A.66.020 are
13 each amended to read as follows:

14 The qualified electors of any code city may petition for an
15 election upon the question of whether the sale of liquor (~~shall be~~)
16 is permitted within the boundaries of such city as provided by chapter
17 66.40 RCW, and (~~shall be~~) is governed by the procedure therein, and
18 may regulate music, dancing, and entertainment as authorized by RCW
19 66.28.080(~~PROVIDED, That~~). However, every code city (~~shall~~)
20 must enforce state laws relating to the investigation and prosecution
21 of all violations of Title 66 RCW relating to control of alcoholic
22 beverages and (~~shall be~~) is entitled to retain the fines collected
23 therefrom as therein provided. Every code city (~~shall~~) must also
24 share in the allocation and distribution of liquor profits and excise
25 as provided in RCW (~~82.08.170,~~) 66.08.190(~~, and 66.08.210~~), and
26 make reports of seizure as required by RCW 66.32.090, and otherwise
27 regulate by ordinances not in conflict with state law or liquor board
28 regulations.

29 **Sec. 318.** RCW 36.70A.340 and 2011 c 120 s 2 are each amended to
30 read as follows:

31 Upon receipt from the board of a finding that a state agency,
32 county, or city is in noncompliance under RCW 36.70A.330, or as a
33 result of failure to meet the requirements of RCW 36.70A.210, the
34 governor may either:

1 (1) Notify and direct the director of the office of financial
2 management to revise allotments in appropriation levels;

3 (2) Notify and direct the state treasurer to withhold the portion
4 of revenues to which the county or city is entitled under one or more
5 of the following: The motor vehicle fuel tax, as provided in chapter
6 82.36 RCW; the transportation improvement account, as provided in RCW
7 47.26.084; the rural arterial trust account, as provided in RCW
8 36.79.150; the sales and use tax, as provided in chapter 82.14 RCW; and
9 the liquor profit tax, as provided in RCW 66.08.190(~~(; and the liquor~~
10 ~~excise tax, as provided in RCW 82.08.170)~~); or

11 (3) File a notice of noncompliance with the secretary of state and
12 the county or city, which (~~shall~~) must temporarily rescind the county
13 or city's authority to collect the real estate excise tax under RCW
14 82.46.030 until the governor files a notice rescinding the notice of
15 noncompliance.

16 **Sec. 319.** RCW 70.94.390 and 1987 c 109 s 42 are each amended to
17 read as follows:

18 (1) The department may, at any time and on its own motion, hold a
19 hearing to determine if the activation of an authority is necessary for
20 the prevention, abatement and control of air pollution which exists or
21 is likely to exist in any area of the state. Notice of such hearing
22 (~~shall~~) must be conducted in accordance with chapter 42.30 RCW and
23 chapter 34.05 RCW. If at such hearing the department finds that air
24 pollution exists or is likely to occur in a particular area, and that
25 the purposes of this chapter and the public interest will be best
26 served by the activation of an authority it (~~shall~~) must designate
27 the boundaries of such area and set forth in a report to the
28 appropriate county or counties recommendations for the activation of an
29 authority(~~(; PROVIDED, That)~~). However, if at such hearing the
30 department determines that the activation of an authority is not
31 practical or feasible for the reason that a local or regional air
32 pollution control program cannot be successfully established or
33 operated due to unusual circumstances and conditions, but that the
34 control and/or prevention of air pollution is necessary for the
35 purposes of this chapter and the public interest, it may assume
36 jurisdiction and so declare by order. Such order (~~shall~~) must
37 designate the geographic area in which, and the effective date upon

1 which, the department will exercise jurisdiction for the control and/or
2 prevention of air pollution. The department (~~shall~~) must exercise
3 its powers and duties in the same manner as if it had assumed authority
4 under RCW 70.94.410.

5 (2) All expenses incurred by the department in the control and
6 prevention of air pollution in any county pursuant to the provisions of
7 RCW 70.94.390 and 70.94.410 (~~shall~~) constitute a claim against such
8 county. The department (~~shall~~) must certify the expenses to the
9 auditor of the county, who promptly (~~shall~~) must issue his warrant on
10 the county treasurer payable out of the current expense fund of the
11 county. In the event that the amount in the current expense fund of
12 the county is not adequate to meet the expenses incurred by the
13 department, (~~the department shall certify to the state treasurer that~~
14 ~~they have a prior claim on any money in the "liquor excise tax fund"~~
15 ~~that is to be apportioned to that county by the state treasurer as~~
16 ~~provided in RCW 82.08.170. In the event that the amount in the "liquor~~
17 ~~excise tax fund" that is to be apportioned to that county by the state~~
18 ~~treasurer is not adequate to meet the expenses incurred by the~~
19 ~~department,~~) the department (~~shall~~) must certify to the state
20 treasurer that they have a prior claim on any excess funds from the
21 liquor revolving fund that are to be distributed to that county as
22 provided in RCW 66.08.190 through 66.08.220. All moneys that are
23 collected as provided in this section (~~shall~~) must be placed in the
24 general fund in the account of the office of air programs of the
25 department.

26 **Sec. 320.** RCW 70.96A.087 and 1989 c 270 s 13 are each amended to
27 read as follows:

28 To be eligible to receive its share of liquor (~~taxes and~~)
29 profits, each city and county (~~shall~~) must devote no less than two
30 percent of its share of liquor (~~taxes and~~) profits to the support of
31 a program of alcoholism and other drug addiction approved by the
32 alcoholism and other drug addiction board authorized by RCW 70.96A.300
33 and the secretary.

34 **Sec. 321.** RCW 43.63A.190 and 1995 c 159 s 5 are each amended to
35 read as follows:

36 Funds appropriated by the legislature as supplemental resources for

1 border areas (~~shall~~) must be distributed by the state treasurer
2 pursuant to the formula for distributing funds (~~from the liquor~~
3 ~~revolving fund~~) to border areas, and expenditure requirements for such
4 distributions, under RCW 66.08.196.

5 **PART IV**

6 **LOCAL GOVERNMENT ASSISTANCE FUNDING**

7 **Sec. 401.** RCW 43.101.200 and 2011 1st sp.s. c 50 s 949 are each
8 amended to read as follows:

9 (1) All law enforcement personnel, except volunteers, and reserve
10 officers whether paid or unpaid, initially employed on or after January
11 1, 1978, (~~shall~~) must engage in basic law enforcement training which
12 complies with standards adopted by the commission pursuant to RCW
13 43.101.080. For personnel initially employed before January 1, 1990,
14 such training (~~shall~~) must be successfully completed during the first
15 fifteen months of employment of such personnel unless otherwise
16 extended or waived by the commission and (~~shall~~) must be requisite to
17 the continuation of such employment. Personnel initially employed on
18 or after January 1, 1990, (~~shall~~) must commence basic training during
19 the first six months of employment unless the basic training
20 requirement is otherwise waived or extended by the commission.
21 Successful completion of basic training is requisite to the
22 continuation of employment of such personnel initially employed on or
23 after January 1, 1990.

24 (2) Except as otherwise provided in this chapter, the commission
25 (~~shall~~) must provide the aforementioned training together with
26 necessary facilities, supplies, materials, and the board and room of
27 noncommuting attendees for seven days per week, except during the
28 (~~2011-2013~~) state fiscal (~~biennium~~) year 2012 when the
29 (~~employing,~~) county, city(~~{,}~~), or state (~~law enforcement~~) agency
30 (~~shall~~) that employs the law enforcement personnel must reimburse the
31 commission for twenty-five percent of the cost of training its
32 personnel. Effective July 1, 2012, the county or city agency that
33 employs the law enforcement personnel must reimburse the commission for
34 the total cost of training its personnel. Additionally, to the extent
35 funds are provided for this purpose, the commission (~~shall~~) must
36 reimburse to participating law enforcement agencies with ten or less

1 full-time commissioned patrol officers the cost of temporary
2 replacement of each officer who is enrolled in basic law enforcement
3 training(~~(: PROVIDED, That)~~). However, such reimbursement (~~(shall)~~)
4 may include only the actual cost of temporary replacement not to exceed
5 the total amount of salary and benefits received by the replaced
6 officer during his or her training period.

7 **Sec. 402.** RCW 43.101.220 and 2009 c 146 s 2 are each amended to
8 read as follows:

9 (1) The corrections personnel of the state and all counties and
10 municipal corporations initially employed on or after January 1, 1982,
11 (~~(shall)~~) must engage in basic corrections training which complies with
12 standards adopted by the commission. The training (~~(shall)~~) must be
13 successfully completed during the first six months of employment of the
14 personnel, unless otherwise extended or waived by the commission, and
15 (~~(shall)~~) must be requisite to the continuation of employment.

16 (2) The commission (~~(shall)~~) must provide the training required in
17 this section, together with facilities, supplies, materials, and the
18 room and board for noncommuting attendees. Effective July 1, 2012, the
19 county or municipal agency that employs the correctional personnel must
20 reimburse the commission for the total cost of training.

21 (3)(a) Subsections (1) and (2) of this section do not apply to the
22 Washington state department of corrections prisons division. The
23 Washington state department of corrections is responsible for
24 identifying training standards, designing curricula and programs, and
25 providing the training for those corrections personnel employed by it.
26 In doing so, the secretary of the department of corrections (~~(shall)~~)
27 must consult with staff development experts and correctional
28 professionals both inside and outside of the agency, to include
29 soliciting input from labor organizations.

30 (b) The commission and the department of corrections share the
31 responsibility of developing and defining training standards and
32 providing training for community corrections officers employed within
33 the community corrections division of the department of corrections.

34 **Sec. 403.** RCW 43.101.224 and 1999 c 389 s 2 are each amended to
35 read as follows:

36 (1) On-going specialized training (~~(shall)~~) must be provided for

1 persons responsible for investigating child sexual abuse. Training
2 participants (~~shall~~) must have the opportunity to practice interview
3 skills and receive feedback from instructors.

4 (2) The commission, the department of social and health services,
5 the Washington association of sheriffs and police chiefs, and the
6 Washington association of prosecuting attorneys (~~shall~~) must design
7 and implement statewide training that contains consistent elements for
8 persons engaged in the interviewing of children for child sexual abuse
9 cases, including law enforcement, prosecution, and child protective
10 services.

11 (3) The training (~~shall~~) must: (a) Be based on research-based
12 practices and standards; (b) minimize the trauma of all persons who are
13 interviewed during abuse investigations; (c) provide methods of
14 reducing the number of investigative interviews necessary whenever
15 possible; (d) assure, to the extent possible, that investigative
16 interviews are thorough, objective, and complete; (e) recognize needs
17 of special populations, such as persons with developmental
18 disabilities; (f) recognize the nature and consequences of
19 victimization; (g) require investigative interviews to be conducted in
20 a manner most likely to permit the interviewed persons the maximum
21 emotional comfort under the circumstances; (h) address record retention
22 and retrieval; and (i) (~~documentation of~~) document investigative
23 interviews.

24 (4) Effective July 1, 2012, the employing county or city agency
25 must reimburse the commission for the total cost of training its
26 personnel under this section.

27 **Sec. 404.** RCW 43.101.225 and 2003 c 37 s 3 are each amended to
28 read as follows:

29 (1) By June 30, 2006, every new full-time law enforcement officer
30 employed, after July 27, 2003, by a state, county, or municipal law
31 enforcement agency (~~shall~~) must be trained on vehicular pursuits.

32 (2) Beginning July 1, 2006, every new full-time law enforcement
33 officer employed by a state, county, or municipal law enforcement
34 agency (~~shall~~) must be trained on vehicular pursuits, within six
35 months of employment.

36 (3) Nothing in chapter 37, Laws of 2003 requires training on

1 vehicular pursuit of any law enforcement officer who is employed in a
2 state, county, or city law enforcement agency on July 27, 2003, beyond
3 that which he or she has received prior to July 27, 2003.

4 (4) Effective July 1, 2012, the county or city agency that employs
5 the law enforcement personnel must reimburse the commission for the
6 total cost of training its personnel under this section.

7 **Sec. 405.** RCW 43.101.227 and 2003 c 270 s 1 are each amended to
8 read as follows:

9 (1) The commission must offer a training session on (~~law~~
10 ~~enforcement~~) the interaction of law enforcement personnel with persons
11 with a developmental disability or mental illness. The training must
12 be developed by the commission in consultation with appropriate self
13 advocate and family advocate groups and with appropriate community,
14 local, and state organizations and agencies that have expertise in the
15 area of working with persons with a developmental disability or mental
16 illness. In developing the course, the commission must also examine
17 existing courses certified by the commission that relate to persons
18 with a developmental disability or mental illness.

19 (2) The training must consist of classroom instruction or internet
20 instruction and (~~shall~~) must replicate likely field situations to the
21 maximum extent possible. The training should include, at a minimum,
22 core instruction in all of the following:

23 (a) The cause and nature of mental illnesses and developmental
24 disabilities;

25 (b) How to identify indicators of mental illness and developmental
26 disability and how to respond appropriately in a variety of common
27 situations;

28 (c) Conflict resolution and de-escalation techniques for
29 potentially dangerous situations involving persons with a developmental
30 disability or mental illness;

31 (d) Appropriate language usage when interacting with persons with
32 a developmental disability or mental illness;

33 (e) Alternatives to lethal force when interacting with potentially
34 dangerous persons with a developmental disability or mental illness;
35 and

36 (f) Community and state resources available to serve persons with

1 a developmental disability or mental illness and how these resources
2 can be best used by law enforcement to benefit persons with a
3 developmental disability or mental illness in their communities.

4 (3) The training (~~shall~~) must be made available to law
5 enforcement agencies, through electronic means, for use at their
6 convenience and determined by the internal training needs and resources
7 of each agency.

8 (4) The commission (~~shall~~) must make all reasonable efforts to
9 secure private and nonstate public funds to implement this section.

10 (5) Effective July 1, 2012, the county or city agency that employs
11 the law enforcement personnel must reimburse the commission for the
12 total cost of training its personnel under this section.

13 **Sec. 406.** RCW 43.101.290 and 1993 c 127 s 5 are each amended to
14 read as follows:

15 The criminal justice training commission (~~shall~~) must provide
16 training for law enforcement (~~officers~~) personnel in identifying,
17 responding to, and reporting all violations of RCW 9A.36.080 and any
18 other crimes of bigotry or bias. Effective July 1, 2012, the county or
19 city agency that employs the law enforcement personnel must reimburse
20 the commission for the total cost of training its personnel under this
21 section.

22 **Sec. 407.** RCW 43.101.350 and 2007 c 382 s 2 are each amended to
23 read as follows:

24 (1) All law enforcement personnel initially hired to, transferred
25 to, or promoted to a supervisory or management position on or after
26 January 1, 1999, and all corrections personnel of the state and all
27 counties and municipal corporations transferred or promoted to a
28 supervisory or management position on or after January 1, 1982,
29 (~~shall~~) must, within the first six months of entry into the position,
30 successfully complete the core training requirements prescribed by rule
31 of the commission for the position, or obtain a waiver or extension of
32 the core training requirements from the commission.

33 (2) Within one year after completion of the core training
34 requirements of this section, all law enforcement personnel and
35 corrections personnel (~~shall~~) must successfully complete all
36 remaining requirements for career level certification prescribed by

1 rule of the commission applicable to their position or rank, or obtain
2 a waiver or extension of the career level training requirements from
3 the commission.

4 (3) The commission (~~shall~~) must provide the training required in
5 this section, together with facilities, supplies, materials, and the
6 room and board for attendees who do not live within fifty miles of the
7 training center. The training (~~shall~~) must be delivered in the least
8 disruptive manner to local law enforcement or corrections agencies, and
9 will include but not be limited to regional on-site training,
10 interactive training, and credit for training given by the home
11 department. Effective July 1, 2012, the employing county or city
12 agency that employs the law enforcement personnel must reimburse the
13 commission for the total cost of training its personnel.

14 (4) Nothing in this section affects or impairs the employment
15 status of an employee whose employer does not provide the opportunity
16 to engage in the required training.

17 **Sec. 408.** RCW 43.101.370 and 1997 c 351 s 12 are each amended to
18 read as follows:

19 (1) Each year the criminal justice training commission (~~shall~~)
20 must offer an intensive training session on investigation of child
21 abuse and neglect. The training (~~shall~~) must focus on the
22 investigative duties of law enforcement established under chapter 26.44
23 RCW with particular emphasis placed on child interview techniques to
24 increase the accuracy of statements taken from children and decrease
25 the need for additional interviews.

26 (2) Effective July 1, 2012, the county or city agency must
27 reimburse the commission for the total cost of training its personnel
28 under this section.

29 NEW SECTION. **Sec. 409.** The following acts or parts of acts are
30 each repealed:

31 (1) RCW 3.50.480 (City or town trial court improvement account--
32 Contributions to account by city or town--Use of funds) and 2005 c 457
33 s 3;

34 (2) RCW 3.58.060 (County trial court improvement account--
35 Contributions to account by county--Use of funds) and 2009 c 479 s 4 &
36 2005 c 457 s 4;

1 (3) RCW 35.20.280 (City trial court improvement account--
2 Contribution by city to account--Use of funds) and 2005 c 457 s 5; and
3 (4) 2005 c 457 s 1 (uncodified).

4 **Sec. 410.** RCW 2.56.030 and 2009 c 479 s 2 are each amended to read
5 as follows:

6 The administrator for the courts (~~shall~~) must, under the
7 supervision and direction of the chief justice:

8 (1) Examine the administrative methods and systems employed in the
9 offices of the judges, clerks, stenographers, and employees of the
10 courts and make recommendations, through the chief justice, for the
11 improvement of the same;

12 (2) Examine the state of the dockets of the courts and determine
13 the need for assistance by any court;

14 (3) Make recommendations to the chief justice relating to the
15 assignment of judges where courts are in need of assistance and carry
16 out the direction of the chief justice as to the assignments of judges
17 to counties and districts where the courts are in need of assistance;

18 (4) Collect and compile statistical and other data and make reports
19 of the business transacted by the courts and transmit the same to the
20 chief justice to the end that proper action may be taken in respect
21 thereto;

22 (5) Prepare and submit budget estimates of state appropriations
23 necessary for the maintenance and operation of the judicial system and
24 make recommendations in respect thereto;

25 (6) Collect statistical and other data and make reports relating to
26 the expenditure of public moneys, state and local, for the maintenance
27 and operation of the judicial system and the offices connected
28 therewith;

29 (7) Obtain reports from clerks of courts in accordance with law or
30 rules adopted by the supreme court of this state on cases and other
31 judicial business in which action has been delayed beyond periods of
32 time specified by law or rules of court and make report thereof to
33 supreme court of this state;

34 (8) Act as secretary of the judicial conference referred to in RCW
35 2.56.060;

36 (9) Submit annually, as of February 1st, to the chief justice, a

1 report of the activities of the administrator's office for the
2 preceding calendar year including activities related to courthouse
3 security;

4 (10) Administer programs and standards for the training and
5 education of judicial personnel;

6 (11) Examine the need for new superior court and district court
7 judge positions under an objective workload analysis. The results of
8 the objective workload analysis (~~shall~~) must be reviewed by the board
9 for judicial administration which (~~shall~~) must make recommendations
10 to the legislature. It is the intent of the legislature that an
11 objective workload analysis become the basis for creating additional
12 district and superior court positions, and recommendations should
13 address that objective;

14 (12) Provide staff to the judicial retirement account plan under
15 chapter 2.14 RCW;

16 (13) Attend to such other matters as may be assigned by the supreme
17 court of this state;

18 (14) Within available funds, develop a curriculum for a general
19 understanding of child development, placement, and treatment resources,
20 as well as specific legal skills and knowledge of relevant statutes
21 including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules,
22 interviewing skills, and special needs of the abused or neglected
23 child. This curriculum (~~shall~~) must be completed and made available
24 to all juvenile court judges, court personnel, and service providers
25 and be updated yearly to reflect changes in statutes, court rules, or
26 case law;

27 (15) Develop, in consultation with the entities set forth in RCW
28 2.56.150(3), a comprehensive statewide curriculum for persons who act
29 as guardians ad litem under Title 13 or 26 RCW. The curriculum
30 (~~shall~~) must be made available July 1, 2008, and include specialty
31 sections on child development, child sexual abuse, child physical
32 abuse, child neglect, domestic violence, clinical and forensic
33 investigative and interviewing techniques, family reconciliation and
34 mediation services, and relevant statutory and legal requirements. The
35 curriculum (~~shall~~) must be made available to all superior court
36 judges, court personnel, and all persons who act as guardians ad litem;

37 (16) Develop a curriculum for a general understanding of crimes of
38 malicious harassment, as well as specific legal skills and knowledge of

1 RCW 9A.36.080, relevant cases, court rules, and the special needs of
2 malicious harassment victims. This curriculum (~~shall~~) must be made
3 available to all superior court and court of appeals judges and to all
4 justices of the supreme court;

5 (17) Develop, in consultation with the criminal justice training
6 commission and the commissions established under chapters 43.113,
7 43.115, and 43.117 RCW, a curriculum for a general understanding of
8 ethnic and cultural diversity and its implications for working with
9 youth of color and their families. The curriculum (~~shall~~) must be
10 available to all superior court judges and court commissioners assigned
11 to juvenile court, and other court personnel. Ethnic and cultural
12 diversity training (~~shall~~) must be provided annually so as to
13 incorporate cultural sensitivity and awareness into the daily operation
14 of juvenile courts statewide;

15 (18) Authorize the use of closed circuit television and other
16 electronic equipment in judicial proceedings. The administrator
17 (~~shall~~) must promulgate necessary standards and procedures and
18 (~~shall~~) must provide technical assistance to courts as required;

19 (19) Develop a Washington family law handbook in accordance with
20 RCW 2.56.180;

21 (20) Administer state funds for improving the operation of the
22 courts and provide support for court coordinating councils, under the
23 direction of the board for judicial administration;

24 (21) Administer the family and juvenile court improvement grant
25 program;

26 ~~(22) ((a) Administer and distribute amounts appropriated under RCW~~
27 ~~43.08.250(2) for district court judges' and qualifying elected~~
28 ~~municipal court judges' salary contributions. The administrator for~~
29 ~~the courts shall develop a distribution formula for these amounts that~~
30 ~~does not differentiate between district and elected municipal court~~
31 ~~judges.~~

32 ~~(b) A city qualifies for state contribution of elected municipal~~
33 ~~court judges' salaries under (a) of this subsection if:~~

34 ~~(i) The judge is serving in an elected position;~~

35 ~~(ii) The city has established by ordinance that a full-time judge~~
36 ~~is compensated at a rate equivalent to at least ninety five percent,~~
37 ~~but not more than one hundred percent, of a district court judge salary~~
38 ~~or for a part-time judge on a pro rata basis the same equivalent; and~~

1 ~~(iii) The city has certified to the office of the administrator for~~
2 ~~the courts that the conditions in (b)(i) and (ii) of this subsection~~
3 ~~have been met;~~

4 (23)) Subject to the availability of funds specifically
5 appropriated therefor, assist courts in the development and
6 implementation of language assistance plans required under RCW
7 2.43.090.

8 **Sec. 411.** RCW 3.62.050 and 2005 c 457 s 6 are each amended to read
9 as follows:

10 The total expenditures of the district courts, including the cost
11 of providing courtroom and office space, the cost of probation and
12 parole services and any personnel employment therefor, and the cost of
13 providing services necessary for the preparation and presentation of a
14 defense at public expense, except costs of defense to be paid by a city
15 pursuant to RCW 3.62.070 (~~and the portion of district court judges'~~
16 ~~salaries distributed by the administrator for the courts pursuant to~~
17 ~~RCW 2.56.030, shall)) must be paid from the county current expense
18 fund.~~

19 **Sec. 412.** RCW 43.08.250 and 2009 c 479 s 26 are each amended to
20 read as follows:

21 (~~(1)~~) The money received by the state treasurer from fees, fines,
22 forfeitures, penalties, reimbursements or assessments by any court
23 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, (~~shall~~) must
24 be deposited in the state general fund.

25 (~~(2) The money received by the state treasurer from the increase~~
26 ~~in fees imposed by sections 9, 10, 12, 13, 14, 17, and 19, chapter 457,~~
27 ~~Laws of 2005 shall be deposited in the state general fund. It is the~~
28 ~~intent of the legislature that fifty percent of such money be~~
29 ~~appropriated to the administrator for the courts for the purposes of~~
30 ~~contributing to district court judges' salaries and to eligible elected~~
31 ~~municipal court judges' salaries. It is further the intent of the~~
32 ~~legislature that the balance of such moneys be used to fund criminal~~
33 ~~indigent defense assistance and enhancement at the trial court level,~~
34 ~~representation of parents in dependency and termination proceedings,~~
35 ~~and civil legal representation of indigent persons.))~~

