
HOUSE BILL 2178

State of Washington

65th Legislature

2017 Regular Session

By Representatives Buys, Manweller, Maycumber, Taylor, Condotta, Volz, Shea, Haler, Schmick, Kretz, Dye, Koster, Van Werven, and Dent

Read first time 03/22/17. Referred to Committee on Local Government.

1 AN ACT Relating to providing sanctuary from state policies,
2 rules, and statute; amending RCW 36.32.120, 35.58.180, and
3 35A.11.020; creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** This act shall be known and cited as the
6 county and city regulatory sanctuary act.

7 **Sec. 2.** RCW 36.32.120 and 2003 c 337 s 6 are each amended to
8 read as follows:

9 The legislative authorities of the several counties shall:

10 (1) Provide for the erection and repairing of courthouses, jails,
11 and other necessary public buildings for the use of the county;

12 (2) Lay out, discontinue, or alter county roads and highways
13 within their respective counties, and do all other necessary acts
14 relating thereto according to law, except within cities and towns
15 which have jurisdiction over the roads within their limits;

16 (3) License and fix the rates of ferriage; grant grocery and
17 other licenses authorized by law to be by them granted at fees set by
18 the legislative authorities which shall not exceed the costs of
19 administration and operation of such licensed activities;

1 (4) Fix the amount of county taxes to be assessed according to
2 the provisions of law, and cause the same to be collected as
3 prescribed by law;

4 (5) Allow all accounts legally chargeable against the county not
5 otherwise provided for, and audit the accounts of all officers having
6 the care, management, collection, or disbursement of any money
7 belonging to the county or appropriated to its benefit;

8 (6) Have the care of the county property and the management of
9 the county funds and business and in the name of the county prosecute
10 and defend all actions for and against the county, and such other
11 powers as are or may be conferred by law;

12 (7) Make and enforce, by appropriate resolutions or ordinances,
13 all such police and sanitary regulations as are not in conflict with
14 state law, and within the unincorporated area of the county may adopt
15 by reference Washington state statutes and recognized codes and/or
16 compilations printed in book form relating to the construction of
17 buildings, the installation of plumbing, the installation of electric
18 wiring, health, or other subjects, and may adopt such codes and/or
19 compilations or portions thereof, together with amendments thereto,
20 or additions thereto: PROVIDED, That except for Washington state
21 statutes, there shall be filed in the county auditor's office one
22 copy of such codes and compilations ten days prior to their adoption
23 by reference, and additional copies may also be filed in library or
24 city offices within the county as deemed necessary by the county
25 legislative authority: PROVIDED FURTHER, That no such regulation,
26 code, compilation, and/or statute shall be effective unless before
27 its adoption, a public hearing has been held thereon by the county
28 legislative authority of which at least ten days' notice has been
29 given. Any violation of such regulations, ordinances, codes,
30 compilations, and/or statutes or resolutions shall constitute a
31 misdemeanor or a civil violation subject to a monetary penalty:
32 PROVIDED FURTHER, That violation of a regulation, ordinance, code,
33 compilation, and/or statute relating to traffic including parking,
34 standing, stopping, and pedestrian offenses is a traffic infraction,
35 except that violation of a regulation, ordinance, code, compilation,
36 and/or statute equivalent to those provisions of Title 46 RCW set
37 forth in RCW 46.63.020 remains a misdemeanor. However, the punishment
38 for any criminal ordinance shall be the same as the punishment
39 provided in state law for the same crime and no act that is a state
40 crime may be made a civil violation. The notice must set out a copy

1 of the proposed regulations or summarize the content of each proposed
2 regulation; or if a code is adopted by reference the notice shall set
3 forth the full official title and a statement describing the general
4 purpose of such code. For purposes of this subsection, a summary
5 shall mean a brief description which succinctly describes the main
6 points of the proposed regulation. When the county publishes a
7 summary, the publication shall include a statement that the full text
8 of the proposed regulation will be mailed upon request. An
9 inadvertent mistake or omission in publishing the text or a summary
10 of the content of a proposed regulation shall not render the
11 regulation invalid if it is adopted. The notice shall also include
12 the day, hour, and place of hearing and must be given by publication
13 in the newspaper in which legal notices of the county are printed;

14 (8) Have power to compound and release in whole or in part any
15 debt due to the county when in their opinion the interest of their
16 county will not be prejudiced thereby, except in cases where they or
17 any of them are personally interested;

18 (9) Have power to administer oaths or affirmations necessary in
19 the discharge of their duties and commit for contempt any witness
20 refusing to testify before them with the same power as district
21 judges;

22 (10) Have power to declare by ordinance what shall be deemed a
23 nuisance within the county, including but not limited to "litter" and
24 "potentially dangerous litter" as defined in RCW 70.93.030; to
25 prevent, remove, and abate a nuisance at the expense of the parties
26 creating, causing, or committing the nuisance; and to levy a special
27 assessment on the land or premises on which the nuisance is situated
28 to defray the cost, or to reimburse the county for the cost of
29 abating it. This assessment shall constitute a lien against the
30 property which shall be of equal rank with state, county, and
31 municipal taxes;

32 (11) Have the power to designate by ordinance the county to be a
33 regulatory sanctuary county and identify within that ordinance which
34 state agency policies, sections of the Washington Administrative
35 Code, and sections of the Revised Code of Washington to which the
36 county has granted itself and its people sanctuary. No state or local
37 agency as defined in RCW 42.56.010, or state court may compel any
38 person acting within a regulatory sanctuary county to comply with the
39 enumerated provisions of law in the ordinance designating the county
40 to be a regulatory sanctuary county. Noncompliance with any of the

1 enumerated provisions of law in an ordinance adopted pursuant to this
2 subsection are not grounds for: Enforcement actions; fees; penalties;
3 or administrative, criminal, or civil lawsuits, that may normally
4 constitute noncompliance with the enumerated state agency policies,
5 sections of the Washington Administrative Code, and sections of the
6 Revised Code of Washington.

7 **Sec. 3.** RCW 35.58.180 and 1974 ex.s. c 84 s 3 are each amended
8 to read as follows:

9 In addition to the powers specifically granted by this chapter a
10 metropolitan municipal corporation shall have all powers which are
11 necessary to carry out the purposes of the metropolitan municipal
12 corporation and to perform authorized metropolitan functions. A
13 metropolitan municipal corporation may contract with the United
14 States or any agency thereof, any state or agency thereof, any other
15 metropolitan municipal corporation, any county, city, special
16 district, or governmental agency and any private person, firm or
17 corporation for the purpose of receiving gifts or grants or securing
18 loans or advances for preliminary planning and feasibility studies,
19 or for the design, construction or operation of metropolitan
20 facilities and a metropolitan municipal corporation may contract with
21 any governmental agency or with any private person, firm or
22 corporation for the use by either contracting party of all or any
23 part of the facilities, structures, lands, interests in lands, air
24 rights over lands and rights-of-way of all kinds which are owned,
25 leased or held by the other party and for the purpose of planning,
26 constructing or operating any facility or performing any service
27 which the metropolitan municipal corporation may be authorized to
28 operate or perform, on such terms as may be agreed upon by the
29 contracting parties: PROVIDED, That before any contract for the lease
30 or operation of any metropolitan public transportation facilities
31 shall be let to any private person, firm or corporation, a general
32 schedule of rental rates for bus equipment with or without drivers
33 shall be publicly posted applicable to all private certificated
34 carriers, and for other facilities competitive bids shall first be
35 called upon such notice, bidder qualifications and bid conditions as
36 the metropolitan council shall determine.

37 A metropolitan municipal corporation may sue and be sued in its
38 corporate capacity in all courts and in all proceedings.

1 A metropolitan municipal corporation shall have the power to
2 designate by ordinance the municipal corporation to be a regulatory
3 sanctuary municipal corporation and identify within that ordinance
4 which state agency policies, sections of the Washington
5 Administrative Code, and sections of the Revised Code of Washington
6 to which the municipal corporation has granted itself and its people
7 sanctuary. No state or local agency as defined in RCW 42.56.010, or
8 state court may compel any person acting within a regulatory
9 sanctuary municipal corporation to comply with the enumerated
10 provisions of law in the ordinance designating the municipal
11 corporation to be a regulatory sanctuary municipal corporation.
12 Noncompliance with any of the enumerated provisions of law in an
13 ordinance adopted pursuant to this section are not grounds for:
14 Enforcement actions; fees; penalties; or administrative, criminal, or
15 civil lawsuits, that may normally constitute noncompliance with the
16 enumerated state agency policies, sections of the Washington
17 Administrative Code, and sections of the Revised Code of Washington.

18 **Sec. 4.** RCW 35A.11.020 and 2007 c 218 s 66 are each amended to
19 read as follows:

20 The legislative body of each code city shall have power to
21 organize and regulate its internal affairs within the provisions of
22 this title and its charter, if any; and to define the functions,
23 powers, and duties of its officers and employees; within the
24 limitations imposed by vested rights, to fix the compensation and
25 working conditions of such officers and employees and establish and
26 maintain civil service, or merit systems, retirement and pension
27 systems not in conflict with the provisions of this title or of
28 existing charter provisions until changed by the people: PROVIDED,
29 That nothing in this section or in this title shall permit any city,
30 whether a code city or otherwise, to enact any provisions
31 establishing or respecting a merit system or system of civil service
32 for firefighters and police officers which does not substantially
33 accomplish the same purpose as provided by general law in chapter
34 41.08 RCW for firefighters and chapter 41.12 RCW for police officers
35 now or as hereafter amended, or enact any provision establishing or
36 respecting a pension or retirement system for firefighters or police
37 officers which provides different pensions or retirement benefits
38 than are provided by general law for such classes.

1 Such body may adopt and enforce ordinances of all kinds relating
2 to and regulating its local or municipal affairs and appropriate to
3 the good government of the city, and may impose penalties of fine not
4 exceeding five thousand dollars or imprisonment for any term not
5 exceeding one year, or both, for the violation of such ordinances,
6 constituting a misdemeanor or gross misdemeanor as provided therein.
7 However, the punishment for any criminal ordinance shall be the same
8 as the punishment provided in state law for the same crime. Such a
9 body alternatively may provide that violation of such ordinances
10 constitutes a civil violation subject to monetary penalty, but no act
11 which is a state crime may be made a civil violation.

12 The legislative body of each code city shall have all powers
13 possible for a city or town to have under the Constitution of this
14 state, and not specifically denied to code cities by law. By way of
15 illustration and not in limitation, such powers may be exercised in
16 regard to the acquisition, sale, ownership, improvement, maintenance,
17 protection, restoration, regulation, use, leasing, disposition,
18 vacation, abandonment or beautification of public ways, real property
19 of all kinds, waterways, structures, or any other improvement or use
20 of real or personal property, in regard to all aspects of collective
21 bargaining as provided for and subject to the provisions of chapter
22 41.56 RCW, as now or hereafter amended, and in the rendering of local
23 social, cultural, recreational, educational, governmental, or
24 corporate services, including operating and supplying of utilities
25 and municipal services commonly or conveniently rendered by cities or
26 towns.

27 In addition and not in limitation, the legislative body of each
28 code city shall have any authority ever given to any class of
29 municipality or to all municipalities of this state before or after
30 the enactment of this title, such authority to be exercised in the
31 manner provided, if any, by the granting statute, when not in
32 conflict with this title. Within constitutional limitations,
33 legislative bodies of code cities shall have within their territorial
34 limits all powers of taxation for local purposes except those which
35 are expressly preempted by the state as provided in RCW 66.08.120,
36 (~~(82.36.440,)~~) 48.14.020, and 48.14.080.

37 The legislative body of each code city shall have the power to
38 designate by ordinance the code city to be a regulatory sanctuary
39 city and identify within that ordinance which state agency policies,
40 sections of the Washington Administrative Code, and sections of the

1 Revised Code of Washington to which the city has granted itself and
2 its people sanctuary. No state or local agency as defined in RCW
3 42.56.010, or state court may compel any person acting within a
4 regulatory sanctuary city to comply with the enumerated provisions of
5 law in the ordinance designating the city to be a regulatory
6 sanctuary city. Noncompliance with any of the enumerated provisions
7 of law in an ordinance adopted pursuant to this section are not
8 grounds for: Enforcement actions; fees; penalties; or administrative,
9 criminal, or civil lawsuits, that may normally constitute
10 noncompliance with the enumerated state agency policies, sections of
11 the Washington Administrative Code, and sections of the Revised Code
12 of Washington.

13 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of
15 the state government and its existing public institutions, and takes
16 effect immediately.

--- END ---