

(a) Within ninety days following the close of its fiscal year every charitable organization which is required to file a registration statement under RCW 19.09-.060 and which has received contributions during the previous fiscal year shall file with the director a financial statement(~~(, verified by an independent public accountant,))~~) containing, but not limited to, the following information:

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required either by general rule or by specific written request of the director.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to professional fund raisers and solicitors.

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same fiscal period, to its parent organization, subsidiaries, or affiliates, if any.

(b) The director may prescribe such forms as may be necessary or convenient for the furnishing of such information. In addition, the director may require that within thirty days after the close of any special period of solicitation the charitable organization conducting such solicitation shall file a special report containing the information specified in this section for such special period of solicitation.

Passed the House June 6, 1975.

Passed the Senate May 31, 1975.

Approved by the Governor June 26, 1975.

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CHAPTER 220

[House Bill No. 174]

CITIES AND TOWNS—CORPORATE BOUNDARIES

AN ACT Relating to cities and towns; amending section 35.02.070, chapter 7, Laws of 1965 and RCW 35.02.070; amending section 35.03.030, chapter 7, Laws of 1965 as amended by section 3, chapter 270, Laws of 1969 ex. sess. and RCW 35.03.030; amending section 35.04.060, chapter 7, Laws of 1965 and RCW 35.04.060; amending section 35.13.015, chapter 7, Laws of 1965 as last amended by section 2, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.015; amending section 35.13.030, chapter 7, Laws of 1965 as last amended by section 9, chapter 73, Laws of 1967 and RCW 35.13.030; amending section 35.13.130, chapter 7, Laws of 1965 as last amended by section 12, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.130; amending section 35.13-.150, chapter 7, Laws of 1965 and RCW 35.13.150; amending section 15, chapter 189, Laws of 1967 as amended by section 8, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.150; amending section 35A.03.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.03.070; amending section 35A.04.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.04.070; amending section 35A.14-.015, chapter 119, Laws of 1967 ex. sess. as amended by section 10, chapter 251, Laws of 1971 ex. sess. and RCW 35A.14.015; amending section 35A.14.050, chapter 119, Laws of 1967 ex. sess. as amended by section 7, chapter 251, Laws of 1971 ex. sess. and RCW 35A.14.050; amending section 35A.14.140, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.140; adding a new section to chapter 7, Laws of 1965 and to chapter 35.21 RCW; adding a new section to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.03 RCW; and adding a new section to chapter 7, Laws of 1965 and to chapter 35A.21 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. The legislature finds that the use of centerlines of public streets, roads and highways as boundaries of incorporated cities and towns has resulted in divided jurisdiction over such public ways causing inefficiencies and waste in their construction, improvement and maintenance and impairing effective traffic law enforcement. It is the intent of this act to preclude the use of highway centerlines as corporate boundaries in the future and to encourage counties and cities and towns by agreement to revise existing highway centerline boundaries to coincide with highway right of way lines.

NEW SECTION. Sec. 2. There is added to chapter 7, Laws of 1965 and to chapter 35.02 RCW a new section to read as follows:

After the effective date of this 1975 amendatory act, centerlines of public streets, roads or highways shall not be used to define any part of a boundary of a city or town in an incorporation or annexation proceeding. The right of way line of any public street, road or highway, or any segment thereof, may be used to define a part of a corporate boundary in an incorporation or annexation proceeding.

Sec. 3. Section 35.02.070, chapter 7, Laws of 1965 and RCW 35.02.070 are each amended to read as follows:

Upon final hearing on a petition for incorporation the board shall, subject to section 2 of this amendatory act, establish and define the boundaries of the proposed city or town, being authorized to decrease but not increase the area proposed in the petition and any such decrease shall not exceed twenty percent of the area proposed; it must also determine the number of inhabitants within the boundaries it has established: PROVIDED, That the area shall not be so decreased that the number of inhabitants therein shall be less than required by RCW 35.02.010 as now or hereafter amended.

Sec. 4. Section 35.03.030, chapter 7, Laws of 1965 as amended by section 3, chapter 270, Laws of 1969 ex. sess. and RCW 35.03.030 are each amended to read as follows:

If no boundary review board has jurisdiction over a proposed incorporation under RCW 35.03.005 through 35.03.050 or such a board's jurisdiction is not invoked within the sixty day period prescribed in RCW 36.93.100, the board of county commissioners shall by resolution, subject to section 2 of this amendatory act, establish and define the boundaries of such corporation, establish and find the number of inhabitants residing therein and state the name of the proposed corporation as specified in the petition for incorporation. Within ninety days after the passage of said resolution or the filing of the decision of approval or modification of the boundary review board with the board of county commissioners, the board of county commissioners shall cause an election to be called and held within the boundaries so established, said election to be conducted in the manner required for the calling of a special election in Title 29 RCW, as now or hereafter amended, except as otherwise provided in this chapter, for the purpose of determining whether such boundaries so established shall be incorporated and of electing fifteen freeholders, who shall have been residents within said boundaries for a period of at least two years preceding their election and qualified electors of the county, for the purpose of framing a charter for said city. Any qualified person may, not earlier than sixty days nor later than thirty days prior to such election,

file with the county auditor of said county his declaration of candidacy in writing. The form of ballot at such election shall be "for incorporation," "against incorporation"; and shall contain the names of the candidates for the office of freeholder to be voted upon to frame said charter. No person shall be entitled to vote at such election unless he shall be a qualified elector of said county and shall have resided within the limits of such proposed corporation for at least thirty days next preceding such election.

Sec. 5. Section 35.04.060, chapter 7, Laws of 1965 and RCW 35.04.060 are each amended to read as follows:

The hearing provided for in RCW 35.04.050 shall be held jointly by all the respective boards of county commissioners under the direction of the principal board of county commissioners. The hearing may be adjourned from time to time not to exceed two months in all. If upon final hearing the respective boards find that any land has been unjustly or improperly included within or excluded from the proposed corporation, the respective boards may change and fix the boundary lines of the portion of the proposed corporation within their respective counties in such a manner as they deem reasonable and just and conducive to the public welfare and convenience, and each such board shall, subject to section 2 of this amendatory act, thereupon enter an order establishing and defining the boundary lines of the proposed corporation within its respective county: PROVIDED, That when any part of the area to be incorporated lies within five miles of any city having a population of fifteen thousand or more and in a class AA or A county, the area shall not be so decreased that the number of inhabitants therein shall be less than three thousand. No land shall be so included within the boundaries described in the petition unless each board of county commissioners of that county in which the area sought to be included is located first obtains the written assent of not less than a number of qualified voters resident within each area to be included in the proposed corporation equal in number to twenty percent of the votes cast at the last state election. Each board of county commissioners shall for the area within its respective county, promptly after the final hearing, by order establish and define the boundaries of the proposed corporation, determine the number of inhabitants residing therein and state the name of the proposed corporation: PROVIDED, That for the action required after the final hearing, the boards may act jointly but in such case a majority of each board must vote favorably on such final action and the order shall be entered in the minutes of each board.

Sec. 6. Section 35.13.015, chapter 7, Laws of 1965 as last amended by section 2, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.015 are each amended to read as follows:

In addition to the method prescribed by RCW 35.13.020 for the commencement of annexation proceedings, the legislative body of any city or town may, whenever it shall determine by resolution that the best interests and general welfare of such city or town would be served by the annexation of unincorporated territory contiguous to such city or town, file a certified copy of the resolution with the board of county commissioners of the county in which said territory is located. The resolution of the city or town initiating such election shall, subject to

section 2 of this amendatory act, describe the boundaries of the area to be annexed, as nearly as may be state the number of voters residing therein, pray for the calling of an election to be held among the qualified voters therein upon the question of annexation, and provide that said city or town will pay the cost of the annexation election. The resolution may require that there also be submitted to the electorate of the territory sought to be annexed a proposition that all property within the area annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for all or any portion of the then outstanding indebtedness of the city or town to which said area is annexed, approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation. Whenever a city or town has prepared and filed a comprehensive plan for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, the resolution initiating the election may also provide for the simultaneous adoption of the comprehensive plan upon approval of annexation by the electorate of the area to be annexed. The resolution initiating the election may also provide for the simultaneous creation of a community municipal corporation and election of community council members as provided for in RCW 35.14.010 through 35.14.060 upon approval of annexation by the electorate of the area to be annexed. In cities under the optional municipal code the resolution initiating the election may also provide for the simultaneous inclusion of the annexed area into a named existing community municipal corporation. The proposition for the creation of a community municipal corporation may be submitted as part of the annexation proposition or may be submitted as a separate proposition. The proposition for inclusion within a named existing community municipal corporation shall be submitted as part of the annexation proposition.

Sec. 7. Section 35.13.030, chapter 7, Laws of 1965 as last amended by section 9, chapter 73, Laws of 1967 and RCW 35.13.030 are each amended to read as follows:

A petition filed with the county commissioners to call an annexation election shall, subject to section 2 of this amendatory act, particularly describe the boundaries of the area proposed to be annexed, state the number of voters residing therein as nearly as may be, state the provisions, if any there be, relating to assumption of debt by the owners of property of the area proposed to be annexed, and/or the simultaneous adoption of a comprehensive plan for the area proposed to be annexed, and shall pray for the calling of an election to be held among the qualified voters therein upon the question of annexation. If the petition also provides for the creation of a community municipal corporation and election of community council members, the petition shall also describe the boundaries of the proposed service area, state the number of voters residing therein as nearly as may be, and pray for the election of community council members by the qualified voters residing in the service area.

Sec. 8. Section 35.13.130, chapter 7, Laws of 1965 as last amended by section 12, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.130 are each amended to read as follows:

A petition for annexation of an area contiguous to a city or town may be made in writing addressed to and filed with the legislative body of the municipality to which annexation is desired. Except where all the property sought to be annexed is property of a school district, and the school directors thereof file the petition for annexation as in RCW 28A.58.044 authorized, the petition must be signed by the owners of not less than seventy-five percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned. The petition shall set forth a description of the property according to government legal subdivisions or legal plats which is in compliance with section 2 of this amendatory act, and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of all or of any portion of city or town indebtedness by the area annexed, and/or the adoption of a comprehensive plan for the area to be annexed, these facts, together with a quotation of the minute entry of such requirement or requirements shall be set forth in the petition.

Sec. 9. Section 35.13.150, chapter 7, Laws of 1965 and RCW 35.13.150 are each amended to read as follows:

Following the hearing, the council or commission shall determine by ordinance whether annexation shall be made. Subject to section 2 of this amendatory act, they may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the ordinance a certified copy shall be filed with the board of county commissioners of the county in which the annexed property is located.

Sec. 10. Section 15, chapter 189, Laws of 1967 as amended by section 8, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.150 are each amended to read as follows:

The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this chapter:

- (1) Approval of the proposal as submitted;
- (2) Subject to section 2 of this amendatory act, modification of the proposal by adjusting boundaries to add or delete territory: PROVIDED, That any proposal for annexation by the board shall be subject to RCW 35.21.010 and shall not add additional territory, the amount of which is greater than that included in the original proposal;
- (3) Determination of a division of assets and liabilities between two or more governmental units where relevant;
- (4) Determination whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district; or
- (5) Disapproval of the proposal except that the board shall not have jurisdiction to disapprove the dissolution or disincorporation of a special purpose district which is not providing services but shall have jurisdiction over the determination of a division of the assets and liabilities of a dissolved or disincorporated special purpose district.

Unless the board shall disapprove a proposal, it shall be presented under the appropriate statute for approval of a public body and, if required, a vote of the

people. A proposal that has been modified shall be presented under the appropriate statute for approval of a public body and if required, a vote of the people. If a proposal after modification does not contain enough signatures of persons within the modified area, as are required by law, then the initiating party, parties or governmental unit has thirty days after the modification decision to secure enough signatures to satisfy the legal requirement. If the signatures cannot be secured then the proposal may be submitted to a vote of the people, as required by law.

When the board, after due proceedings held, disapproves a proposed action, such proposed action shall be unavailable, the proposing agency shall be without power to initiate the same or substantially the same as determined by the board, and any succeeding acts intended to or tending to effectuate that action shall be void, but such action may be reinitiated after a period of twelve months from date of disapproval and shall again be subject to the same consideration.

NEW SECTION. Sec. 11. There is added to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.03 RCW a new section to read as follows:

After the effective date of this amendatory act, centerlines of public streets, roads or highways shall not be used to define any part of a boundary of a city or town in an incorporation or annexation proceeding. The right of way line of any public street, road or highway, or any segment thereof, may be used to define a part of a corporate boundary in an incorporation or annexation proceeding.

Sec. 12. Section 35A.03.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.03.070 are each amended to read as follows:

Within five days after the final hearing on a petition for incorporation the board shall, subject to section 11 of this amendatory act, establish and define the boundaries of the proposed noncharter code city, being authorized to decrease, but not increase, the area proposed in the petition when it appears to the board that a change in the boundaries set by the petition would be in the best interests of all the inhabitants of the proposed area, based on the considerations set forth in RCW 35A.03.060. Any such decrease shall not exceed twenty percent of the area proposed. The board must also determine the number of inhabitants within the boundaries so established: PROVIDED, That the area shall not be so decreased that the number of inhabitants therein shall be less than required by RCW 35A.03.010 as now or hereafter amended.

Sec. 13. Section 35A.04.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.04.070 are each amended to read as follows:

If upon final hearing the respective boards find that any land within their respective counties has been unjustly or improperly included within or excluded from the proposed corporation, based on the considerations stated in RCW 35A.04.060, the respective boards may change and fix the boundary lines of the portion of the proposed corporation within their respective counties in such a manner as they deem reasonable and just and conducive to the public welfare and convenience: PROVIDED, That when any part of the area to be incorporated lies within five miles of any city having a population of fifteen thousand or more, the area shall not be so decreased that the number of inhabitants therein shall be less than five thousand. No land shall be so included within the boundaries described in the petition unless each board of county commissioners of that county in which

the area sought to be included is located first obtains the written assent of a number of qualified voters resident within each area to be included in the proposed corporation equal in number to not less than twenty percent of the votes cast in that area at the last state election. Within five days after the final hearing each board of county commissioners shall, for the area within its respective county, by order establish and define the boundaries of the proposed corporation consistent with section 11 of this amendatory act, determine the number of inhabitants residing therein and affirm the name of the proposed corporation: **PROVIDED**, That for the action required after the final hearing, the boards may act jointly but in such case a majority of each board must vote favorably on such final action and the order shall be entered in the minutes of each board.

Sec. 14. Section 35A.14.015, chapter 119, Laws of 1967 ex. sess. as amended by section 10, chapter 251, Laws of 1971 ex. sess. and RCW 35A.14.015 are each amended to read as follows:

When the legislative body of a charter code city or noncharter code city shall determine that the best interests and general welfare of such city would be served by the annexation of unincorporated territory contiguous to such city, such legislative body may, by resolution, call for an election to be held to submit to the voters of such territory the proposal for annexation. The resolution shall, subject to section 11 of this amendatory act, describe the boundaries of the area to be annexed, state the number of voters residing therein as nearly as may be, and shall provide that said city will pay the cost of the annexation election. The resolution may require that there also be submitted to the electorate of the territory sought to be annexed a proposition that all property within the area annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to pay for any then outstanding indebtedness of the city to which said area is annexed, contracted prior to, or existing at, the date of annexation. Whenever such city has prepared and filed a proposed zoning regulation for the area to be annexed as provided for in RCW 35A.14.330 and 35A.14.340, the resolution initiating the election may also provide for the simultaneous adoption of the proposed zoning regulation upon approval of annexation by the electorate of the area to be annexed. A certified copy of the resolution shall be filed with the board of county commissioners of the county in which said territory is located. A certified copy of the resolution shall be filed with the boundary review board as provided for in chapter 189, Laws of 1967 [chapter 36.93 RCW] or the county annexation review board established by RCW 35A.14.200, unless such annexation proposal is within the provisions of RCW 35A.14.220.

Sec. 15. Section 35A.14.050, chapter 119, Laws of 1967 ex. sess. as amended by section 7, chapter 251, Laws of 1971 ex. sess. and RCW 35A.14.050 are each amended to read as follows:

After consideration of the proposed annexation as provided in RCW 35A.14.200, the county annexation review board, within thirty days after the final day of hearing, shall take one of the following actions:

- (1) Approval of the proposal as submitted.
- (2) Subject to section 11 of this 1975 amendatory act, modification of the proposal by adjusting boundaries to include or exclude territory; except that any such

inclusion of territory shall not increase the total area of territory proposed for annexation by an amount exceeding the original proposal by more than five percent: PROVIDED, That the county annexation review board shall not adjust boundaries to include territory not included in the original proposal without first affording to residents and property owners of the area affected by such adjustment of boundaries an opportunity to be heard as to the proposal.

(3) Disapproval of the proposal.

The written decision of the county annexation review board shall be filed with the board of county commissioners and with the legislative body of the city concerned. If the annexation proposal is modified by the county annexation review board, such modification shall be fully set forth in the written decision. If the decision of the boundary review board or the county annexation review board is favorable to the annexation proposal, or the proposal as modified by the review board, the board of county commissioners, at its next regular meeting if to be held within thirty days after receipt of the decision of the boundary review board or the county annexation review board, or at a special meeting to be held within that period, shall set a date for submission of such annexation proposal, with any modifications made by the review board, to the voters of the territory proposed to be annexed. The question shall be submitted at a general election if one is to be held within ninety days, or at a special election called for that purpose not less than forty-five days nor more than ninety days after the filing of the decision of the review board with the board of county commissioners. If the boundary review board or the county annexation review board disapproves the annexation proposal, no further action shall be taken thereon, and no proposal for annexation of the same territory, or substantially the same as determined by the board, shall be initiated or considered for twelve months thereafter.

Sec. 16. Section 35A.14.140, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.140 are each amended to read as follows:

Following the hearing, if the legislative body determines to effect the annexation, they shall do so by ordinance. Subject to section 11 of this 1975 amendatory act, the ordinance may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the annexation ordinance a certified copy shall be filed with the board of county commissioners of the county in which the annexed property is located.

NEW SECTION. Sec. 17. There is added to chapter 7, Laws of 1965 and to chapter 35.21 RCW a new section to read as follows:

(1) The governing bodies of a county and any city or town located therein may by agreement revise any part of the corporate boundary of the city or town which coincides with the centerline of a public street, road or highway by substituting therefor a right of way line of the same public street, road or highway so as fully to include or fully to exclude that segment of the public street, road or highway from the corporate limits of the city or town.

(2) The revision of a corporate boundary as authorized by this section shall become effective when approved by ordinance of the city or town council or commission and by ordinance or resolution of the board of county commissioners or county council.

NEW SECTION. Sec. 18. There is added to chapter 7, Laws of 1965 and to chapter 35A.21 RCW a new section to read as follows:

(1) The governing bodies of a county and any city or town located therein may by agreement revise any part of the corporate boundary of the city or town which coincides with the centerline of a public street, road or highway by substituting therefor a right of way line of the same public street, road or highway so as fully to include or fully to exclude that segment of the public street, road or highway from the corporate limits of the city or town.

(2) The revision of a corporate boundary as authorized by this section shall become effective when approved by ordinance of the city or town council or commission and by ordinance or resolution of the board of county commissioners or county council.

Passed the House March 24, 1975.

Passed the Senate June 7, 1975.

Approved by the Governor June 26, 1975.

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CHAPTER 221

[Substitute House Bill No. 207]

CITIES—OFF-STREET PARKING

AN ACT Relating to off-street parking; amending section 35.86.010, chapter 7, Laws of 1965 as amended by section 13, chapter 144, Laws of 1967 ex. sess. and RCW 35.86.010; amending section 35.86.040, chapter 7, Laws of 1965 as amended by section 13, chapter 204, Laws of 1969 ex. sess. and RCW 35.86.040; amending section 7, chapter 204, Laws of 1969 ex. sess. and RCW 35.86A.070; creating new sections; and amending section 12, chapter 204, Laws of 1969 ex. sess. and RCW 35.86A.120.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 35.86.010, chapter 7, Laws of 1965 as amended by section 13, chapter 144, Laws of 1967 ex. sess. and RCW 35.86.010 are each amended to read as follows:

Cities of the first, second, and third classes are authorized to provide off-street parking space and facilities ~~((for motor vehicles, and the use of real property for such purpose is declared to be a public use. Notwithstanding the provisions of RCW 35.86.040 such cities shall call for competitive bids for the operation of any off-street parking space and facilities for motor vehicles in or beneath a public park by any private person, firm or corporation, upon such reasonable notice, bidder qualifications and bid conditions as the city shall determine. In the case of off-street parking space in, upon or beneath a public park the term "facilities" as used hereafter in this chapter may include public parks thereon))~~ located on land dedicated for park or civic center purposes, or on other municipally-owned land where the primary purpose of such off-street parking facility is to provide parking for persons who use such park or civic center facilities. In addition a city may own other off-street parking facilities and operate them in accordance with RCW 35.86A.120.