

NEW SECTION. Sec. 5. (1) The department may assess a civil penalty, not to exceed five thousand dollars for each violation, against any person or individual who knowingly violates a provision of sections 2 through 4 of this act.

(2) A person or individual who previously has been assessed a civil penalty under this section, and who knowingly violates a provision of sections 2 through 4 of this act or a rule adopted pursuant to sections 2 through 4 of this act is guilty of a misdemeanor.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 49.26 RCW.

Passed the Senate April 25, 1985.

Passed the House April 26, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

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## CHAPTER 388

[Engrossed Substitute Senate Bill No. 4399]

### LOCAL GOVERNANCE STUDY COMMISSION

AN ACT Relating to creating a local governance study commission; adding new sections to chapter 43.63A RCW; adding a new section to chapter 82.44 RCW; creating a new section; making an appropriation; providing an expiration date; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds state statutes allocating governmental powers, duties, and relationships were first enacted nearly a century ago and reflect ideas of their time. The legislature further finds that Washington state was a rural, agrarian society at that time, and that cities were relatively small, surrounded by rural areas, and served as a commercial and social center for those areas.

The legislature finds that the state created counties as political and administrative subdivisions of itself, and allowed for the creation of cities by the local citizenry to provide such additional municipal services as might be desired in areas of greater population density. The legislature further finds that in order to forestall imprudent or hasty creation of local governments, the process was deliberately made somewhat difficult. The legislature also finds that cities and counties were provided with differing tax structures, reflective of their differing governmental and service roles.

The legislature finds that, contrary to expectation, urban development has occurred not only within cities, but around cities and in clusters remote from any city, and that, in 1985, nearly half of the state's population lives in unincorporated, but largely urbanized areas. The legislature further finds that while this situation is the result of a number of factors, the unintended

effects of the policies of various levels of government played a major role in creating it.

The legislature finds that some services are best delivered on a city-wide basis, some services are best delivered on a county-wide basis, while others might best be delivered on a greater than city, less than county-wide basis, and some might best be provided on a multicounty basis. The legislature further finds that in many cases, service needs have no relationship to political jurisdictions' boundary lines. The legislature also finds that there is uncertainty as to the proper role of some units of local government in rendering basic public services. The legislature further finds that cities, counties, and special purpose districts rendering basic municipal services spend approximately two billion dollars per year in providing such services and that there is a state interest in the efficient and effective provision of local government services.

Therefore, the legislature finds that there is a need to examine the present demographic and governmental service provision situation, in order to determine the manner in which local public services are presently delivered and funded in Washington state, the public policies which have led to the present situation, and the manner in which each contributed to it. The legislature further finds that there is a need to examine the practices of other states in such matters and in terms of allocations of responsibility, authority, and funding among various levels and agencies of government. The legislature also finds that there is a need to examine the policies and practices of other states in providing for city incorporation and annexation.

NEW SECTION. Sec. 2. For purposes of sections 3 through 6 of this act, "commission" means the local governance study commission created in section 3 of this act.

\*NEW SECTION. Sec. 3. There is hereby created a local governance study commission to consist of the following:

- (1) Twenty-one voting members appointed by the governor *consisting of:*
- (a) *Eight members of the state legislature, four nominated by the Speaker of the House of Representatives, four nominated by the President of the Senate, two from each caucus of the respective house;*
  - (b) *Four members nominated by the association of Washington cities or its successor;*
  - (c) *Four members nominated by the Washington state association of counties or its successor;*
  - (d) *One member nominated by the Washington state association of sewer districts;*
  - (e) *One member nominated by the Washington state association of water districts;*
  - (f) *One member nominated by the Washington association of fire districts;*

*(g) One member nominated by the Washington public utility districts association; and*

*(h) One member nominated by the Washington library association .*

(2) Three members serving in an ex officio nonvoting capacity:

(a) The executive director of the association of Washington cities or its representative;

(b) The executive director of the Washington state association of counties or its representative; and

(c) The director of the department of community development, who shall serve as chair of the commission.

(3) Commission members shall serve without pay, at the pleasure of the governor. Nonlegislative members shall be paid travel expenses incurred in their travel to and from meetings of the commission and while attending all meetings of the commission in accordance with RCW 43.03.050 and 43.03.060. Legislative members shall be paid travel expenses incurred in their travel to and from meetings of the commission and while attending all meetings of the commission in accordance with RCW 44.04.120.

\*Sec. 3 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 4. The commission shall:

(1) Identify and examine the present demographic and governmental service provision of cities, counties, and special purpose districts together with an examination of the present manner in which revenues are received for the provision of services by the various jurisdictions;

(2) Examine the public policies and history that led to the current situation;

(3) Analyze why policies that are identified in the study had an impact on growth and development in the state of Washington and why they contributed to the current situation;

(4) Examine the policies, practices, and experiences in other states in regard to allocating responsibility, revenue authority, and responsiveness to provide governmental services;

(5) Create advisory committees of representatives of special purpose districts, to advise the commission on issues affecting the operation of these districts, and members of the private sector;

(6) Develop recommended policy, statutory, and constitutional changes as may be determined would serve to better define the appropriate roles and activities of cities, counties, and special purpose districts and their interrelationship to one another; and

(7) Submit to the governor and the legislature a report containing the commission's findings, conclusions, and recommendations by November 1, 1986.

NEW SECTION. Sec. 5. The department shall provide the necessary support to the commission to carry out the purposes of sections 2 through 4 this act. The department may employ such staff as is necessary to carry out

the purposes of sections 2 through 4 of this act. The provisions of chapter 41.06 RCW do not apply to such staff.

**NEW SECTION.** Sec. 6. A new section is added to chapter 82.44 RCW to read as follows:

For the biennium beginning July 1, 1985, distributions of motor vehicle excise tax receipts to counties, cities, and towns under RCW 82.44.150 shall be altered as follows:

(1) Prior to placing moneys in the county sales and use tax equalization account under RCW 82.14.200, an amount equal to twenty thousand eight hundred thirty-three dollars from amounts otherwise to be placed in this account shall be placed into the account created under section 7 of this act, for each of the quarterly distributions on July 1, 1985, October 1, 1985, January 1, 1986, April 1, 1986, July 1, 1986, and October 1, 1986.

(2) Prior to distributing the moneys to cities and towns under RCW 82.44.150(3)(a), an amount equal to twenty thousand eight hundred thirty-three dollars from amounts otherwise to be distributed to cities and towns shall be placed into the account created under section 7 of this act, for each of the quarterly distributions on July 1, 1985, October 1, 1985, January 1, 1986, April 1, 1986, July 1, 1986, and October 1, 1986.

This section shall expire June 30, 1987.

**NEW SECTION.** Sec. 7. A new section is added to chapter 43.63A RCW to read as follows:

The local government study commission account is hereby established in the state treasury. Moneys shall be placed into the local government study commission account as provided in section 6 of this act to be used by the department of community development for the biennium ending June 30, 1987, to carry out the purposes of sections 1 through 5 of this act.

This section shall expire June 30, 1987.

**NEW SECTION.** Sec. 8. There is appropriated from the local government study commission account to the department of community development for the biennium ending June 30, 1987, the sum of two hundred forty-nine thousand nine hundred ninety-six dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

**NEW SECTION.** Sec. 9. Sections 1 through 5 of this act shall expire June 30, 1987.

**NEW SECTION.** Sec. 10. Sections 2 through 5 of this act are each added to chapter 43.63A RCW.

**NEW SECTION.** Sec. 11. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

**NEW SECTION.** Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 23, 1985.

Passed the House April 12, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to portions of Section 3(1)(a) through (h) of Engrossed Substitute Senate Bill No. 4399 entitled:

"AN ACT Relating to creating a local governance study commission."

I fully support the purpose of this legislation. I believe that it is now timely for the State, in cooperation with local government representatives, to undertake a comprehensive review of the State's assignment of various public service responsibilities, authorities and funding sources among counties, cities and special districts. Much of the rationale for the current allocation of responsibilities and authorities may now be outmoded due to the changes that have occurred over time in population growth and settlement patterns. The proposed Local Governance Study Commission represents a useful opportunity to recommend needed changes to State policies, statutes, and the constitution, which better serve current public service requirements, and which more appropriately define the roles and activities of cities, counties and special districts, as well as their interrelationship to one another.

However, language contained in Section 3(1)(a) through (h) of this bill directs the Governor to appoint to the Commission twenty-one persons who are nominated by certain specified organizations related to local governance. While I concur with the appropriateness of placing representatives of the named organizations on the Commission, I believe this language precludes gubernatorial discretion and negates the Governor's appointment authority.

Therefore, in order to preserve the Governor's appointment prerogatives, I have vetoed the language that requires the Governor to appoint the nominees of specified organizations. I will, of course, honor the spirit of the vetoed language when making my appointments.

With the exception of portions of Section 3(1)(a) through (h), ESSB 4399 is approved."

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## CHAPTER 389

[Senate Bill No. 4155]

### COURT COSTS—COLLECTION AND REMITTANCE

AN ACT Relating to court costs; amending RCW 10.01.160, 27.24.070, 3.46.120, 3.50-.100, 3.62.010, 3.62.040, 10.82.070, 35.20.220, 36.18.025, and 2.42.050; adding new sections to chapter 2.42 RCW; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 1, chapter 96, Laws of 1975-'76 2nd ex. sess. and RCW 10.01.160 are each amended to read as follows:

(1) The court may require a convicted defendant to pay costs.