

## CHAPTER 303

[Engrossed Senate Bill No. 690]

## METROPOLITAN MUNICIPAL CORPORATIONS

AN ACT Relating to metropolitan municipal corporations; amending section 35.58.020, chapter 7, Laws of 1965 and RCW 35.58.020; amending section 35.58.040, chapter 7, Laws of 1965 as amended by section 1, chapter 105, Laws of 1967 and RCW 35.58.040; amending section 10, chapter 105, Laws of 1967 and RCW 35.58.118; amending section 35.58.120, chapter 7, Laws of 1965, as last amended by section 1, chapter 135, Laws of 1969 ex. sess. and RCW 35.58.120; amending section 35.58.140, chapter 7, Laws of 1965 as last amended by section 2, chapter 135, Laws of 1969 ex. sess. and RCW 35.58.140; amending section 35.58.200, chapter 7, Laws of 1965 and RCW 35.58.200; amending section 35.58.240, chapter 7, Laws of 1965 as amended by section 11, chapter 105, Laws of 1967 and RCW 35.58.240; amending and reenacting section 1, chapter 11, Laws of 1970 ex. sess. as amended by section 13, chapter 42, Laws of 1970 ex. sess. and by section 38, chapter 56, Laws of 1970 ex. sess. and RCW 35.58.450; amending section 16, chapter 105, Laws of 1967 and RCW 35.58.560; adding a new section; and declaring an emergency.

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

NEW SECTION. Section 1. Notwithstanding any other provision of chapter 35.58 RCW a metropolitan municipal corporation may perform the function of metropolitan public transportation only if the performance of such function is authorized by election. The metropolitan council may call such election and certify the ballot proposition. The election shall be conducted and canvassed as provided in RCW 35.58.090 and the municipality shall be authorized to perform the function of metropolitan public transportation if a majority of the persons voting on the proposition shall vote in favor.

Sec. 2. Section 35.58.020, chapter 7, Laws of 1965 and RCW 35.58.020 are each amended to read as follows:

As used herein:

(1) "Metropolitan municipal corporation" means a municipal corporation of the state of Washington created pursuant to this chapter.

(2) "Metropolitan area" means the area contained within the boundaries of a metropolitan municipal corporation, or within the boundaries of an area proposed to be organized as such a corporation.

(3) "City" means an incorporated city or town.

(4) "Component city" means an incorporated city or town within

a metropolitan area.

(5) "Component county" means a county, all or part of which is included within a metropolitan area.

(6) "Central city" means the city with the largest population in a metropolitan area.

(7) "Central county" means the county containing the city with the largest population in a metropolitan area.

(8) "Special district" means any municipal corporation of the state of Washington other than a city, county, or metropolitan municipal corporation.

(9) "Metropolitan council" means the legislative body of a metropolitan municipal corporation.

(10) "City council" means the legislative body of any city or town.

(11) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made under the direction of the state census board.

(12) "Metropolitan function" means any of the functions of government named in RCW 35.58.050.

(13) "Authorized metropolitan function" means a metropolitan function which a metropolitan municipal corporation shall have been authorized to perform in the manner provided in this chapter.

(14) "Metropolitan public transportation" or "metropolitan transportation" for the purposes of this chapter shall mean the transportation of passengers only and their incidental baggage by means other than by chartered bus, sightseeing bus, or any other motor vehicle not on an individual fare-paying basis, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people-moving systems: PROVIDED, That nothing in this chapter shall be construed to prohibit a metropolitan municipal corporation from leasing its buses to private certified carriers or to prohibit the metropolitan municipal corporation from providing school bus service for the transportation of pupils between their homes and schools: AND PROVIDED FURTHER, That nothing in any other section of this chapter, as now or hereafter amended, shall extend the scope of permissible transporting by metropolitan municipal corporations as set forth in this subsection.

Sec. 3. Section 35.58.040, chapter 7, Laws of 1965 as amended by section 1, chapter 105, Laws of 1967 and RCW 35.58.040 are each amended to read as follows:

At the time of its formation no metropolitan municipal corporation shall include only a part of any city, and every city shall be either wholly included or wholly excluded from the

boundaries of such corporation. If subsequent to the formation of a metropolitan municipal corporation a part only of any city shall be included within the boundaries of a metropolitan municipal corporation such part shall be deemed to be "unincorporated" for the purpose of selecting a member of the metropolitan council pursuant to RCW 35.58.120 ((127)) (2) and such city shall neither select nor participate in the selection of a member on the metropolitan council pursuant to RCW 35.58.120.

Any metropolitan municipal corporation now existing or hereafter created, within a class A county contiguous to a class AA county or class AA county, shall, upon the effective date of this 1971 amendatory act as to metropolitan corporations existing on such date or upon the date of formation as to metropolitan corporations formed after the effective date of this 1971 amendatory act, have the same boundaries as those of the respective central county of such metropolitan corporation; PROVIDED, That the boundaries of such metropolitan corporation may be enlarged after such date by annexation as provided in chapter 35.58 RCW as now or hereafter amended. Any contiguous metropolitan municipal corporations may be consolidated into a single metropolitan municipal corporation upon such terms, for the purpose of performing such metropolitan function or functions, and to be effective at such time as may be approved by resolutions of the respective metropolitan councils. In the event of such consolidation the component city with the largest population shall be the central city of such consolidated metropolitan municipal corporation and the component county with the largest population shall be the central county of such consolidated metropolitan municipal corporation.

Sec. 4. Section 10, chapter 105, Laws of 1967 and RCW 35.58.118 are each amended to read as follows:

The metropolitan council may at ((an election held to authorize the performance of the function of metropolitan public transportation submit to the voters the proposition of)) any time by resolution determine whether the metropolitan transportation function shall be performed with an appointed commission pursuant to RCW 35.58.270 or by the metropolitan council without the appointment of such a commission; PROVIDED, That any resolution to perform the metropolitan transportation function with an appointed commission pursuant to RCW 35.58.270 shall not become effective until approved by the voters residing within the boundaries of the metropolitan municipal corporation. ((If such a proposition is not submitted and the municipality is authorized to perform the function of metropolitan transportation a commission shall be appointed in the manner and with the powers and duties provided in RCW 35.58.270. If such a proposition is submitted it shall be in substantially the

following form:

"If the [redacted] (here insert name of metropolitan municipal corporation) [redacted] is authorized to perform the function of metropolitan public transportation shall this function be performed by a seven member appointed commission as provided in RCW 35.58.270 or shall this function be performed by the metropolitan council without the appointment of such commission?"

FOR COMMISSION MANAGEMENT [redacted]

FOR COUNCIL MANAGEMENT [redacted]

Sec. 5. Section 35.58.120, chapter 7, Laws of 1965 as last amended by section 1, chapter 135, Laws of 1969 ex. sess. and RCW 35.58.120 are each amended to read as follows:

A metropolitan municipal corporation shall be governed by a metropolitan council composed of the following:

(1) One member (a) who shall be the elected county executive of the central county, or (b) if there shall be no elected county executive, one member who shall be selected by, and from, the board of commissioners of the central county;

(2) One additional member for each county commissioner district or county council district which shall contain fifteen thousand or more persons residing within the metropolitan municipal corporation, who shall be the county commissioner or county councilman from such district;

(3) One additional member selected by the board of commissioners or county council of each component county for each county commissioner district or county council district containing ((ten)) fifteen thousand or more persons residing in the unincorporated portion of such commissioner district lying within the metropolitan municipal corporation ((who shall be either the county commissioner from such district or)) each such appointee to be a resident of such unincorporated portion;

((4)) (4) One member from each ((of the six largest)) component ((cities)) city which shall have a population of fifteen thousand or more persons, who shall be the mayor of such city, if such city shall have the mayor-council form of government, and in other cities shall be selected by, and from, the mayor and city council of each of such cities.

((4)) (5) One member representing all component cities ((other than the six largest cities,)) which have less than fifteen thousand population each, to be selected by and from the mayors of such smaller cities in the following manner: The mayors of all such cities shall meet on the second Tuesday following the establishment of a metropolitan municipal corporation and thereafter on the third Tuesday in June of each even-numbered year at two o'clock p.m. at the office of the board of county commissioners of the central county.

The chairman of such board shall preside. After nominations are made, successive ballots shall be taken until one candidate receives a majority of all votes cast.

~~((5))~~ (5) One additional member selected by the city council of each component city containing a population of ~~((ten))~~ fifteen thousand or more for each ~~((sixty))~~ fifty thousand population over and above the first ~~((ten))~~ fifteen thousand, such members to be selected from such city council until all councilmen are members and thereafter to be selected from other ~~((elected))~~ officers of such city.

(7) For any metropolitan municipal corporation which shall be authorized to perform the function of metropolitan sewage disposal, one additional member who shall be a commissioner of a sewer district which is a component part of the metropolitan municipal corporation and shall participate only in those council actions which relate to the performance of the function of metropolitan sewage disposal. The commissioners of all sewer districts which are component parts of the metropolitan municipal corporation shall meet on the first Tuesday of the month following the effective date of this 1971 amendatory act and thereafter on the second Tuesday of June of each even-numbered year at 2:00 o'clock p.m. at the office of the board of county commissioners of the central county. After election of a chairman, nominations shall be made to select a member to serve on the metropolitan council and successive ballots taken until one candidate receives a majority of votes cast.

~~((6))~~ (8) One member, who shall be chairman of the metropolitan council, selected by the other members of the council. He shall not hold any public office of or be an employee of any component city or component county of the metropolitan municipal corporation.

Sec. 6. Section 35.58.140, chapter 7, Laws of 1965 as last amended by section 2, chapter 135, Laws of 1969 ex. sess. and RCW 35.58.140 are each amended to read as follows:

Each member of a metropolitan council except those selected under the provisions of RCW 35.58.120 (1)(a), ~~((4))~~ (5), (7), and ~~((6))~~ (8), shall hold office at the pleasure of the body which selected him. Each member, who shall hold office ex officio, may not hold office after he ceases to hold the position of elected county executive, mayor, commissioner, or councilman. The chairman shall hold office until the second Tuesday in July of each even-numbered year and may, if reelected, serve more than one term. Each member shall hold office until his successor has been selected as provided in this chapter.

Sec. 7. Section 35.58.200, chapter 7, Laws of 1965 and RCW 35.58.200 are each amended to read as follows:

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan sewage disposal, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare a comprehensive sewage disposal and storm water drainage plan for the metropolitan area.

(2) To acquire by purchase, condemnation, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan facilities for sewage disposal and storm water drainage within or without the metropolitan area, including trunk, interceptor and outfall sewers, whether used to carry sanitary waste, storm water, or combined storm and sanitary sewage, lift and pumping stations, sewage treatment plants, together with all lands, properties, equipment and accessories necessary for such facilities. Sewer facilities which are owned by a city or special district may be acquired or used by the metropolitan municipal corporation only with the consent of the legislative body of the city or special districts owning such facilities. Cities and special districts are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the legislative body of such city or special district and the metropolitan council, without submitting the matter to the voters of such city or district.

(3) To require counties, cities, special districts and other political subdivisions to discharge sewage collected by such entities from any portion of the metropolitan area which can drain by gravity flow into such metropolitan facilities as may be provided to serve such areas when the metropolitan council shall declare by resolution that the health, safety, or welfare of the people within the metropolitan area requires such action.

(4) To fix rates and charges for the use of metropolitan sewage disposal and storm water drainage facilities.

(5) To establish minimum standards for the construction of local sewer facilities and to approve plans for construction of such facilities by component counties or cities or by special districts (wholly or partly within the metropolitan area) which are delivering sewage to the metropolitan municipal corporation. No such county, city, or special district shall construct such facilities without first securing such approval.

(6) To acquire by purchase, condemnation, gift, or grant, to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of facilities for the local collection of sewage or storm water in portions of the metropolitan area not contained within any city or sewer district and, with the consent of the

legislative body of any city or sewer district, to exercise such powers within such city or sewer district and for such purpose to have all the powers conferred by law upon such city or sewer district with respect to such local collection facilities. All costs of such local collection facilities shall be paid for by the area served thereby.

Sec. 8. Section 35.58.240, chapter 7, Laws of 1965 as amended by section 11, chapter 105, Laws of 1967 and RCW 35.58.240 are each amended to read as follows:

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan transportation, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare, adopt and carry out a general comprehensive plan for public transportation service which will best serve the residents of the metropolitan area and to amend said plan from time to time to meet changed conditions and requirements.

(2) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan transportation facilities and properties within or without the metropolitan area, including systems of surface, underground or overhead railways, tramways, buses, or any other means of local transportation except taxis, and including escalators, moving sidewalks or other people-moving systems, passenger terminal and parking facilities and properties and such other facilities and properties as may be necessary for passenger and vehicular access to and from such people-moving systems, terminal and parking facilities and properties, together with all lands, rights of way, property, equipment and accessories necessary for such systems and facilities. Public transportation facilities and properties which are owned by any city may be acquired or used by the metropolitan municipal corporation only with the consent of the city council of the city owning such facilities. Cities are hereby authorized to convey or lease such facilities to metropolitan corporations or to contract for their joint use on such terms as may be fixed by agreement between the city council of such city and the metropolitan council, without submitting the matter to the voters of such city.

The facilities and properties of a metropolitan public transportation system whose vehicles will operate primarily within the rights of way of public streets, roads or highways, may be acquired, developed and operated without the corridor and design hearings which are required by RCW 35.58.273 for mass transit facilities operating on a separate right of way.

(3) To fix rates, tolls, fares and charges for the use of such

facilities and to establish various routes and classes of service: PROVIDED, That classes of service and fares will be maintained in the several parts of the metropolitan area at such levels as will provide, insofar as reasonably practicable, that the portion of any annual transit operating deficit of the metropolitan municipal corporation attributable to the operation of all routes, taken as a whole, which are located within the central city is approximately in proportion to the portion of total taxes collected by or on behalf of the metropolitan municipal corporation for transit purposes within the central city, and that the portion of such annual transit operating deficit attributable to the operation of all routes, taken as a whole, which are located outside the central city, is approximately in proportion to the portion of such taxes collected outside the central city.

In the event any metropolitan municipal corporation shall extend its metropolitan transportation function to any area or service already offered by any company holding a certificate of public convenience and necessity from the Washington utilities and transportation commission, under RCW 81.68.040 it shall by purchase or condemnation acquire at the fair market value, from the person holding the existing certificate for providing the services, that portion of the operating authority and equipment representing the services within the area of public operation.

Sec. 9. Section 1, chapter 11, Laws of 1970 ex. sess. as amended by section 13, chapter 42, Laws of 1970 ex. sess. and by section 38, chapter 56, Laws of 1970 ex. sess. and RCW 35.58.450 are each amended and reenacted to read as follows:

Notwithstanding the limitations of chapter 39.36 RCW and any other statutory limitations otherwise applicable and limiting municipal debt, a metropolitan municipal corporation shall have the power to authorize and to issue general obligation bonds and to pledge the full faith and credit of the corporation to the payment thereof, for any authorized capital purpose of the metropolitan municipal corporation: PROVIDED, That a proposition authorizing the issuance of any such bonds to be issued in excess of three-fourths of one percent of the value of the taxable property therein, as the term "value of the taxable property" is defined in RCW 39.36.015, shall have been submitted to the electors of the metropolitan municipal corporation at a special election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said metropolitan municipal corporation at the last preceding state general election. Such general obligation bonds may be authorized in any total amount in one or more



propositions and the amount of such authorization may exceed the amount of bonds which could then lawfully be issued. Such bonds may be issued in one or more series from time to time out of such authorization but at no time shall the total general indebtedness of the metropolitan municipal corporation exceed five percent of the value of the taxable property therein, as the term "value of the taxable property" is defined in RCW 39.36.015. Both principal of and interest on such general obligation bonds ~~((shall))~~ may be made payable from annual tax levies to be made upon all the taxable property within the metropolitan municipal corporation in excess of the forty mill tax limit ~~((and))~~ or may ~~((also))~~ be made payable from any other taxes or any special assessments which the metropolitan municipal corporation may be authorized to levy ~~((and))~~ or from any otherwise unpledged revenue which may be derived from the ownership or operation of properties or facilities incident to the performance of the authorized function for which such bonds are issued or may be made payable from any combination of the foregoing sources. The metropolitan council may include in the principal amount of such bond issue an amount for engineering, architectural, planning, financial, legal, urban design and other services incident to acquisition or construction solely for authorized capital purposes and may include an amount to establish a guaranty fund for revenue bonds issued solely for capital purposes.

General obligation bonds shall ~~((bear interest at a rate or rates as authorized by the metropolitan council))~~ be sold as provided in RCW 39.44.030 and shall mature in not to exceed forty years from the date of issue. The various annual maturities shall commence not more than five years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.

Such bonds shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature and the seal of the metropolitan corporation shall be impressed or imprinted thereon. Each of the interest coupons shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities of the first class and at a price not less than par and accrued interest.

Sec. 10. Section 16, chapter 105, Laws of 1967 and RCW 35.58.560 are each amended to read as follows:

No county or city shall have the right to impose a tax upon the gross revenues derived by a metropolitan municipal corporation from the operation of a metropolitan sewage disposal, water supply, garbage disposal or public transportation system.

A metropolitan municipal corporation may credit or offset against the amount of any tax which is levied by the state during any calendar year upon the gross revenues derived by such metropolitan municipal corporation from the performance of any authorized function, the amount of any expenditures made from such gross revenues by such metropolitan municipal corporation during the same calendar year or any year prior to the effective date of this act in planning for or performing the function of metropolitan public transportation and including interest on any moneys advanced for such purpose from other funds and to the extent of such credit a metropolitan municipal corporation may expend such revenues for such purposes.

A metropolitan municipal corporation authorized to perform the function of metropolitan public transportation and engaged in the operation of an urban passenger transportation system shall receive a refund of the amount of the motor vehicle fuel tax levied by the state and paid on each gallon of motor vehicle fuel used, whether such vehicle fuel tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such tax to the price of such fuel: PROVIDED, That no refunds authorized by this section shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than six road miles beyond the corporate limits of the metropolitan municipal corporation in which said trip originated.

NEW SECTION. Sec. 11. If any provision of this 1971 amendatory 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.

NEW SECTION. Sec. 12. This 1971 amendatory 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.

Passed the Senate May 9, 1971.

Passed the House May 7, 1971.

Approved by the Governor May 21, 1971 with the exception of certain items in section 2 which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

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

"...Senate Bill 690 amends the Metropolitan Municipal Corporations Act to establish county-wide metro boundaries, enlarge the metropolitan council and strengthen its capacity to operate an area-wide transportation system.

Veto  
Message

Section 2 (14) defines "metropolitan public transportation" to exclude the operation of "chartered bus", "sight seeing bus", or any other "motor vehicle" not operating on an individual fare-paying basis. This subsection is intended to protect the position of the private charter carriers. However, the subsection appears to go further than was intended since it may have the inadvertent effect, by the terms of the final proviso, of preventing the use of people-moving systems other than those using "motor vehicles".

Veto  
Message

In addition, this subsection limits the municipality to providing school bus service for the transportation of the pupils between their homes and schools. Because public education involves the transportation of students in an educational context on a broader basis than merely between homes and school this limitation upon the municipality is not appropriate.

I have accordingly item vetoed these limitations from subsection 14 of section 2.

The remainder of the bill is approved."

CHAPTER 304

[Engrossed Senate Bill No. 273]

NARCOTIC DRUGS, DANGEROUS DRUGS, AND ALCOHOL--  
REHABILITATION PROGRAM--  
COMMUNITY EDUCATIONAL PROGRAM--  
QUALIFIED DRUG TREATMENT CENTERS

AN ACT Relating to narcotic drugs, dangerous drugs, and alcohol; amending section 2, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.020; amending section 3, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.030; and creating new sections.

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

NEW SECTION. Section 1. It is the purpose of this 1971 amendatory act to provide the financial assistance necessary to enable the department of social and health services to offer a meaningful program of rehabilitation for those persons suffering problems related to narcotic drugs, dangerous drugs, and alcohol and to develop a community educational program as to those problems for the benefit of the state's population generally. Such programs can