

NEW SECTION. Sec. 26. Section 9, chapter 215, Laws of 1937, section 5, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.080 are each repealed.

Passed the House March 9, 1982.

Passed the Senate March 3, 1982.

Approved by the Governor April 3, 1982, with the exception of the paragraph beginning on page 10, line 24 and ending on page 11, line 2, which is vetoed.

Filed in Office of Secretary of State April 3, 1982.

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

"I am returning herewith without my approval as to one paragraph of Second Substitute House Bill No. 378 entitled:

"AN ACT Relating to the regulation of Cosmetology".

The paragraph beginning on page 10, line 24, and ending on page 11, line 2, would require public postsecondary schools, as a precondition for the issuance of a cosmetology school location license, to perform extensive market surveys. The purpose of these market surveys would be to demonstrate either unmet demand for cosmetologists or unsatisfactory servicing of current students.

Our community colleges routinely conduct market surveys before establishing new programs. This is a matter of prudent management. Thus, this statutory requirement is not necessary. In addition, this paragraph contains standards which would be difficult to enforce, creates duplicate roles for the Department of Licensing and the Community College Board, and may lead to inequitable treatment of students in certain areas of the state.

With the exception of the paragraph referenced above, 2SHB 378 is approved."

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## CHAPTER 226

[Substitute House Bill No. 58]

### LOCAL GOVERNMENT—FILING OF CODES—ISLANDS, COUNTY COMMISSIONER DISTRICTS

AN ACT Relating to local government; amending section 36.32.020, chapter 4, Laws of 1963 as amended by section 1, chapter 58, Laws of 1970 ex. sess. and RCW 36.32.020; amending section 36.32.040, chapter 4, Laws of 1963 and RCW 36.32.040; amending section 35.21.180, chapter 7, Laws of 1965 and RCW 35.21.180; amending section 35A.12.140, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.140; amending section 36.32.120, chapter 4, Laws of 1963 as last amended by section 35, chapter 136, Laws of 1979 ex. sess. and RCW 36.32.120; amending section 1, chapter 25, Laws of 1980 and RCW 35.82.300; amending section 35.82.060, chapter 7, Laws of 1965 and RCW 35.82.060; and providing an effective date.

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

Section 1. Section 35.21.180, chapter 7, Laws of 1965 and RCW 35.21.180 are each amended to read as follows:

Ordinances passed by cities or towns must be posted or published in a newspaper as required by their respective charters or the general laws: PROVIDED, That ordinances may by reference adopt Washington state

statutes and codes, including fire codes and ordinances relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health and sanitation, the slaughtering, processing and selling of meats and meat products for human consumption, the production, pasteurizing and sale of milk and milk products, or other subjects, may adopt by reference, any printed code or compilation, or portions thereof, together with amendments thereof or additions thereto, on the subject of the ordinance; and where publications of ordinances in a newspaper is required, such Washington state statutes or codes or other codes or compilations so adopted need not be published therein: **PROVIDED, HOWEVER,** That not less than ~~((three copies))~~ one copy of such statute, code or compilation and amendments and additions thereto adopted by reference shall be filed for use and examination by the public, in the office of the city or town clerk of said city, or town prior to adoption thereof. Any city or town ordinance heretofore adopting any state law or any such codes or compilations by reference are hereby ratified and validated.

Sec. 2. Section 35A.12.140, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.140 are each amended to read as follows:

Ordinances may by reference adopt Washington state statutes and state, county, or city codes, regulations, or ordinances or any standard code of technical regulations, or portions thereof, including, for illustrative purposes but not limited to, fire codes and codes or ordinances relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health and sanitation, the slaughtering, processing, and selling of meats and meat products for human consumption, the production, pasteurizing, and sale of milk and milk products, or other subjects, together with amendments thereof or additions thereto, on the subject of the ordinance. Such Washington state statutes or codes or other codes or compilations so adopted need not be published in a newspaper as provided in RCW 35A.12.160, but the adopting ordinance shall be so published and a copy of any such adopted statute, ordinance, or code, or portion thereof, with amendments or additions, if any, in the form in which it was adopted, shall be authenticated and recorded by the clerk along with the adopting ordinance. Not less than ~~((three copies))~~ one copy of such statute, code, or compilation with amendments or additions, if any, in the form in which it was adopted, shall be filed in the office of the city clerk for use and examination by the public. While any such statute, code, or compilation is under consideration by the council prior to adoption, not less than ~~((three copies))~~ one copy thereof shall be filed in the office of the city clerk for examination by the public.

Sec. 3. Section 36.32.120, chapter 4, Laws of 1963 as last amended by section 35, chapter 136, Laws of 1979 ex. sess. and RCW 36.32.120 are each amended to read as follows:

The legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

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

(3) License and fix the rates of ferrriage; grant grocery and other licenses authorized by law to be by them granted;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law: PROVIDED, That the legislative authority of a county may permit all moneys, assessments, and taxes belonging to or collected for the use of any county, including any amounts representing estimates for future assessments and taxes, to be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited against any future tax or assessment that may be levied or become due from the taxpayer: PROVIDED FURTHER, That the taxpayer, with the concurrence of the county legislative authority, may designate the particular fund against which such prepayment of future tax or assessment shall be credited;

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

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

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portion thereof, together with amendments thereto, or additions thereto: PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office ~~((three copies))~~ one copy of such codes and compilations ten days prior to their adoption by reference, and ~~((one copy shall))~~ additional copies may also be filed ~~((with the city clerk of each))~~ in library or city offices within the county as deemed necessary by the county legislative authority: PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least

ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor: PROVIDED FURTHER, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. The notice must set out a copy of the proposed regulations; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

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

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as justices of the peace.

Sec. 4. Section 36.32.020, chapter 4, Laws of 1963 as amended by section 1, chapter 58, Laws of 1970 ex. sess. and RCW 36.32.020 are each amended to read as follows:

The board of county commissioners of each county shall divide their county into three commissioner districts so that each district shall comprise as nearly as possible one-third of the population of the county: PROVIDED, That the territory comprised in any voting precincts of such districts shall remain compact, and shall not be divided by the lines of said districts(~~(: PROVIDED FURTHER, That the foregoing requirement of equal population among commissioner districts may be disregarded, at the discretion of the county commissioners, in the following instances:))~~).

~~((+))~~ However, the commissioners of any county composed entirely of islands and with a population of less than thirty-five thousand may divide their county into three commissioner districts without regard to population, except that if any single island is included in more than one district, the districts on such island shall comprise, as nearly as possible, equal populations(;

~~(2) The commissioners of any county having a population of fifteen thousand inhabitants or less, in which no totally intracounty highway connection exists between the county seat and a major geographic area of the county, may disregard population in the formation of commissioner districts to the extent that one commissioner district encompassing the unconnected portion of the county may be established without regard to its population))~~.

The lines of the districts shall not be changed oftener than once in four years and only when a full board of commissioners is present. The districts shall be designated as districts numbered one, two and three.

Sec. 5. Section 36.32.040, chapter 4, Laws of 1963 and RCW 36.32.040 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the qualified electors of each county commissioner district, and they only, shall nominate from among their own number, candidates for the office of county commissioner of such commissioner district to be voted for at the following general election. Such candidates shall be nominated in the same manner as candidates for other county and district offices are nominated in all other respects.

(2) Where the commissioners of a county composed entirely of islands with a population of less than thirty-five thousand have chosen to divide the county into unequal-sized commissioner districts pursuant to the exception provided in RCW 36.32.020, the qualified electors of the entire county shall nominate from among their own number who reside within a commissioner district, candidates for the office of county commissioner of such commissioner district to be voted for at the following general election. Such candidates shall be nominated in the same manner as candidates for other county offices are nominated in all other respects.

*\*Sec. 6. Section 1, chapter 25, Laws of 1980 and RCW 35.82.300 are each amended to read as follows:*

*This section applies to all counties.*

*(1) Joint city-county housing authorities are hereby authorized when the legislative authority of the county and the legislative authority of any city or cities within the county have authorized such joint city-county housing authorities by ordinance.*

*(2) ~~((The ordinance enacted by the legislative authorities creating the joint housing authority shall prescribe the number of commissioners, the method for their appointment and length of their terms, the election of officers, and the method for removal of commissioners))~~ When the legislative authorities adopt an ordinance as provided in subsection (1) of this section, the mayor, or mayors, involved and the county legislative authority shall appoint five persons as commissioners of the joint city-county housing authority created. The commissioners who are first appointed shall be designated to serve for terms of one, two, three, four, and five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed for a term of office of five years, except that all vacancies shall be filled for the unexpired term: PROVIDED, That in the event existing city and/or county housing authorities are merged into the newly created joint city-county housing authority, the existing members of the respective boards of commissioners shall be appointed as members of the board of commissioners of the*

newly created city-county housing authority, except that where the aggregate number of existing commissioners exceeds five, those five commissioners having the greatest length of service shall serve as commissioners of the joint city-county housing authority.

(3) No commissioner of an authority may be an officer or employee of the city or county for which the authority is created. Commissioners shall hold office until a successor has been appointed and has qualified, unless sooner removed according to this chapter. A certificate of the appointment or reappointment of any commissioner shall be filed with both the city and county clerks, and the certificate shall be conclusive evidence of the due and proper appointment of the commissioner. Commissioners shall receive no compensation for their services for the authority, in any capacity, but are entitled to the necessary expenses, including traveling expenses, incurred in the discharge of their duties.

(4) The powers of each authority shall be vested in the commissioners thereof in office from time to time. Three commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case the bylaws of the authority shall require a larger number. The mayor or mayors involved and the county legislative authority shall designate which of the commissioners appointed shall be the first chairman and he shall serve in the capacity of chairman until the expiration of his term of office as commissioner. When the office of the chairman of the authority thereafter becomes vacant, the authority shall select a chairman from among its commissioners. An authority shall select from among its commissioners a vice chairman, and it may employ a secretary (who shall be executive director), technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the city or the county or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

(5) The ordinances enacted by the legislative authorities creating the joint housing authority shall prescribe the allocation of all costs of the joint housing authority ((and any other matters necessary for the operation of the joint housing authority)).

((4)) (6) A joint city-county housing authority shall have all the powers as prescribed by this chapter for any housing authority. The area of operation of a joint city-county authority shall be the combined areas of each as they are defined by RCW 35.82.020(6).

~~(((5)))~~ (7) *The provisions of RCW 35.82.040 ((and 35.82.060)) as now or hereafter amended shall not apply to a joint city-county housing authority created pursuant to this section.*

\*Sec. 6. was vetoed, see message at end of chapter.

\*Sec. 7. *Section 35.82.060, chapter 7, Laws of 1965 and RCW 35.82.060 are each amended to read as follows:*

*For inefficiency or neglect of duty or misconduct in office, a commissioner of ~~((an))~~ a city housing authority may be removed by the mayor ~~(((or in the case of an authority for a county, by the governing body of said county), but a)),~~ a commissioner of a county housing authority may be removed by the county legislative authority, and a commissioner of a joint city-county housing authority may be removed by concurrence of the mayor, or mayors, involved and the county legislative authority. A commissioner shall be removed only after ~~((he shall have been given))~~ receiving a copy of the charges at least ten days prior to the hearing thereon and ~~((had))~~ having an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the respective city or county clerk, and if a joint city-county housing authority commissioner is involved it shall be filed with both the city and county clerks.*

\*Sec. 7. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 8. This act shall take effect on July 1, 1982.

Passed the House March 9, 1982.

Passed the Senate March 7, 1982.

Approved by the Governor April 3, 1982, with the exception of section 6 and 7, which are vetoed.

Filed in Office of Secretary of State April 3, 1982.

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

"I am returning herewith without my approval as to Sections 6 and 7 of Substitute House Bill No. 58 entitled:

"AN ACT Relating to local government".

Sections 6 and 7 would restrict the membership of joint city-county housing authorities. Absent fuller discussion of the issue — which did not occur during public hearings on this bill — my inclination is to allow the local governments that establish the joint authorities to determine the most appropriate membership of the authorities."

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## CHAPTER 227

[Substitute House Bill No. 778]

### STATE GOVERNMENT—REGULATION OF PROFESSIONS—TRANSFER OF POWERS

AN ACT Relating to state government; amending section 13, chapter 43, Laws of 1957 and RCW 18.34.130; amending section 10, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 6, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.100; amending