

rules under this chapter shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

Passed the House March 18, 1985.

Passed the Senate April 15, 1985.

Approved by the Governor April 23, 1985.

Filed in Office of Secretary of State April 23, 1985.

## CHAPTER 143

[Substitute House Bill No. 1191]

### NEWLY INCORPORATED CITIES—TEMPORARY CONTINUATION OF LAW ENFORCEMENT SERVICES AND ROAD MAINTENANCE

AN ACT Relating to incorporation of cities and towns; and adding new sections to chapter 35.21 RCW.

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

**NEW SECTION.** Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

Counties shall continue to provide the following services to newly incorporated cities or towns at the preincorporation level as follows:

(1) Law enforcement services shall be provided for a period not to exceed sixty days or until the city or town is receiving or could have begun receiving sales tax distributions under RCW 82.14.020(1), whichever is the shortest time period.

(2) Road maintenance shall be for a period not to exceed sixty days or until any tax distribution from the road district tax levy is made to the newly incorporated city or town pursuant to RCW 35A.03.151 and 35A.03.152, whichever is the shorter time period.

**\*NEW SECTION.** Sec. 2. A new section is added to chapter 35.21 RCW to read as follows:

*It is the desire of the legislature that the citizens of newly incorporated cities or towns receive uninterrupted and adequate services in the period prior to the city or town government attaining the ability to provide such service levels. In addition to the services provided under section 1 of this act, it is the purpose of this section to permit the county or counties in which a newly incorporated city or town is located to contract with the newly incorporated city or town for the continuation of essential services until the newly incorporated city or town has attained the ability to provide such services at least at the levels provided by the county before the incorporation. These essential services include but are not limited to, law enforcement, road and street maintenance, drainage and other utility services previously provided by the county before incorporation. In negotiating contracts for these and other services, the county shall grant credit to the newly incorporated city or town*

*for the value of county capital and equipment assets, current county budgetary amounts, and other county resources attributable, in part, to the property taxes, sales and use taxes, or special assessments that have been imposed on behalf of the county and road district within the boundaries of the newly incorporated city or town. This granting of credit is in recognition of the pre-existing financial investment that the citizens of the newly incorporated city or town have made in capital and equipment assets owned by the county, and county and road district taxes and special assessment imposed in the area.*

*Nothing in this section shall limit the ability of the county and the newly incorporated city or town to contract for higher service levels or for other time periods than those imposed by this section.*

\*Sec. 2 was vetoed, see message at end of chapter.

Passed the House March 21, 1985.

Passed the Senate April 15, 1985.

Approved by the Governor April 23, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State April 23, 1985.

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

"I am returning herewith, without my approval as to one provision, Substitute House Bill No. 1191, entitled:

"AN ACT Relating to incorporation of cities and towns; and adding new sections to Chapter 35.21 RCW."

The creation of a mandatory credit in section 2 could obligate county government to continue to provide services beyond the sixty day phase in period provided in section 1 without any compensation. The county could be required for a longer term to provide services even though the revenue (tax base) to pay for those services would be transferred to the city.

Counties and cities have in the past been able to work out cooperative interlocal agreements under RCW 39.34 to insure the continuation of essential public services. Section 1 which remains, insures a free start up period for newly created cities. Additional terms for services should be subject to mutual agreement without mandatory credits.

With the exception of section 2, Substitute House Bill No. 1191 is approved."

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## CHAPTER 144

[Substitute House Bill No. 1114]

### ENERGY-RELATED BUILDING STANDARDS

AN ACT Relating to energy-related building standards; amending RCW 19.27.030 and 19.27.075; adding new sections to chapter 19.27 RCW; repealing RCW 19.27.200, 19.27.210, 19.27.220, 19.27.230, 19.27.240, 19.27.250, 19.27.260, 19.27.270, 19.27.280, 19.27.290, 19.27.300, 19.27.310, and 19.27.905; and declaring an emergency.

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

Sec. 1. Section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 1, chapter 101, Laws of 1984 and RCW 19.27.030 are each amended to read as follows: