RL

IN THE LEGISLATURE
of the
STATE OF WASHINGTON

THE SEAL OF THE STATE OF WASHINGTON 1889

CERTIFICATION OF ENROLLED ENACTMENT

SUBSTITUTE HOUSE BILL NO. 264

CHAPTER NO. 75

Passed the House March 30, 1981
Yeas 67 Nays 30

Passed the Senate April 16, 1981
as amended
Yeas 32 Nays 17

4-20-81 The House concurred in the Senate amendment and passed the bill as amended by the Senate.

Yeas 64 Nays 32

CERTIFICATION

I, Vito T. Chiechi, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is enrolled Substitute House Bill No. 264 as passed by the House of Representatives and the Senate on the dates hereon set forth.

Vito T. Chiechi
Vito T. Chiechi, Chief Clerk

35.21.830. Controls on rent for residential structures—Prohibited—Exceptions

The imposition of controls on rent is of state-wide significance and is preempted by the state. No city or town of any class may enact, maintain, or enforce ordinances or other provisions which regulate the amount of rent to be charged for single family or multiple unit residential rental structures or sites other than properties in public ownership, under public management, or properties providing low-income rental housing under joint public-private agreements for the financing or provision of such low-income rental housing. This section shall not be construed as prohibiting any city or town from entering into agreements with private persons which regulate or control the amount of rent to be charged for rental properties.

Enacted by Laws 1981, ch. 75, § 1.

Applicability to floating home moorage sites—Laws 1981, ch. 75: "Nothing in this act shall be construed to preempt local ordinances that relate to the control of rents or other relationships at floating home moorage sites." [Laws 1981, ch. 75, § 3.] This applies to §§ 35.21.830 and 36.01.130.

Severability—Laws 1981, ch. 75: "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." [Laws 1981, ch. 75, § 4.]

Library References

Municipal Corporations ⇐592(1).
C.J.S. Municipal Corporations §§ 143 to 145.

Notes of Decisions

In action by owners of mooring facility seeking unpaid increases in moorage fees from owners of floating homes moored at the facility, evidence presented by homeowners was insufficient to establish that moorage fee increases were unconscionable, and hence unenforceable at law, since affidavit by facility owners established amount of moorage fee increase and homeowners' refusal to pay it, and homeowners failed to set forth unconscionable circumstances at time of initial contract, when they first decided to moor their homes at the facility. Jeffery v. Weintraub (1982) 32 Wash.App. 536, 648 P.2d 914.

35.21.840. Taxation of motor carriers of freight for hire—Allocation of gross receipts

The following principles shall allocate gross receipts of a motor carrier of freight for hire (called the "motor carrier" in this section) to prevent multiple taxation by two or more municipalities. They shall apply when two or more municipalities in this state impose a license fee or tax for the act or privilege of engaging in business activities; each municipality has a basis in local activity for imposing its tax; and the gross receipts measured by all taxing municipalities, added together, exceed the motor carrier's gross receipts.

(1) No municipality shall be entitled to an allocation of the gross receipts of a motor carrier on account of the use of its streets or highways when no pick-up or delivery occurs therein.

(2) Gross receipts of a motor carrier derived within a municipality, where it solicits orders and engages in business activities that are a significant factor in holding the market but where it maintains no office or terminal, shall be allocated equally between the municipality providing the local market and the municipality where the motor carrier's office or terminal is located. Where no such local solicitation and business activity occurs, all the gross receipts shall be allocated to the municipality where the office or terminal is located irrespective of the place of pick-up or delivery. The word "terminal" means a location at which any three of the following four occur: Dispatching takes place, from which trucks operate or are serviced,

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nothing herein shall be construed to prevent these zones from being operated and financed by a private corporation(s) on behalf of such county acting as zone sponsor.

Enacted by Laws 1977, Ex.Sess., ch. 196, § 6, eff. July 1, 1977.

Effective date—Laws 1977, Ex.Sess., ch. 196: See Historical Note following § 24.46.010

Library References

Customs Duties ⇐22.1.
C.J.S. Customs Duties §§ 22, 30.

36.01.130. Controls on rent for residential structures—Prohibited—Exceptions

The imposition of controls on rent is of state-wide significance and is preempted by the state. No county of any class may enact, maintain or enforce ordinances or other provisions which regulate the amount of rent to be charged for single family or multiple unit residential rental structures or sites other than properties in public ownership, under public management, or properties providing low-income rental housing under joint public-private agreements for the financing or provision of such low-income rental housing. This section shall not be construed as prohibiting any county from entering into agreements with private persons which regulate or control the amount of rent to be charged for rental properties.

Enacted by Laws 1981, ch. 75, § 2.

Applicability to floating home moorage sites—Severability—Laws 1981, ch. 75: See Historical Note following § 35.21.830.

Library References

Municipal Corporations ⇐592(1).
C.J.S. Municipal Corporations §§ 143 to 145.

Notes of Decisions

Decision by "fact-finder" that increase in moorage fees for floating homes moored at facility was unreasonable, decided pursuant to municipal ordinance which allowed floating homeowner to file petition for fact-finding with mayor concerning moorage fee increase, was not binding on the parties and did not prevent owners of facility from charging an increased fee since, under ordinance, fact-finding was characterized as aiding dispute settlement, not as finally settling the dispute, and thus fact finder's decision was not intended to be binding on the parties. Jeffery v. Weintraub (1982) 32 Wash.App. 536, 648 P.2d 914.

36.01.150. Facilitating recovery from Mt. St. Helens eruption—Scope of local government action

All entities of local government and agencies thereof are authorized to take action as follows to facilitate recovery from the devastation of the eruption of Mt. St. Helens:

(1) Cooperate with the state, state agencies, and the United States Army Corps of Engineers and other agencies of the federal government in planning dredge site selection and dredge spoils removal;

(2) Counties and cities may re-zone areas and sites as necessary to facilitate recovery operations;

(3) Counties may manage and maintain lands involved and the deposited dredge spoils; and

(4) Local governments may assist the Army Corps of Engineers in the dredging and dredge spoils deposit operations.

Enacted by Laws 1982, ch. 7, § 3, eff. Feb. 27, 1982.

SUBSTITUTE HOUSE BILL NO. 264

State of Washington
47th Legislature
1981 Regular Session

by Committee on Labor & Economic Development (originally sponsored by Representatives Struthers, King (J), Warnke, Barrett, Dawson, King (R), Bickham, Isaacson, Eberle, Winsley, Martinis, Lane, McCormick, Hastings, Ellis, Sanders, Grimm, Bond)

Read first time March 16, 1981, and passed to Rules for second reading.
April 20, 1981: Passed as amended by the Senate.

1 AN ACT Relating to rent control; adding a new section to chapter
2 35.21 RCW; adding a new section to chapter 36.01 RCW; and
3 creating a new section.

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

5 NEW SECTION. Section 1. There is added to chapter 35.21
6 RCW a new section to read as follows:
7 The imposition of controls on rent is of state-wide
8 significance and is preempted by the state. No city or town of
9 any class may enact, maintain, or enforce ordinances or other
10 provisions which regulate the amount of rent to be charged for
11 single family or multiple unit residential rental structures or
12 sites other than properties in public ownership, under public
13 management, or properties providing low-income rental housing
14 under joint public-private agreements for the financing or
15 provision of such low-income rental housing. This section shall
16 not be construed as prohibiting any city or town from entering
17 into agreements with private persons which regulate or control
18 the amount of rent to be charged for rental properties.

19 NEW SECTION. Sec. 2. There is added to chapter 36.01
20 RCW a new section to read as follows:
21 The imposition of controls on rent is of state-wide
22 significance and is preempted by the state. No county of any
23 class may enact, maintain or enforce ordinances or other
24 provisions which regulate the amount of rent to be charged for
25 single family or multiple unit residential rental structures or
26 sites other than properties in public ownership, under public
27 management, or properties providing low-income rental housing
28 under joint public-private agreements for the financing or

1 provision of such low-income rental housing. This section shall
2 not be construed as prohibiting any county from entering into
3 agreements with private persons which regulate or control the
4 amount of rent to be charged for rental properties.

5 NEW SECTION. Sec. 3. Nothing in this act shall be
6 construed to preempt local ordinances that relate to the control
7 of rents or other relationships at floating home moorage sites.

8 NEW SECTION. Sec. 4. If any provision of this act or
9 its application to any person or circumstance is held invalid,
10 the remainder of the act or the application of the provision to
11 other persons or circumstances is not affected.

Passed the House April 20, 1981.

William H. Gates
Speaker of the House.

Passed the Senate April 16, 1981.

John A. Cherberg
President of the Senate.

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RCW 35.21.830

Controls on rent for residential structures — Prohibited — Exceptions.

The imposition of controls on rent is of statewide significance and is preempted by the state. No city or town of any class may enact, maintain, or enforce ordinances or other provisions which regulate the amount of rent to be charged for single family or multiple unit residential rental structures or sites other than properties in public ownership, under public management, or properties providing low-income rental housing under joint public-private agreements for the financing or provision of such low-income rental housing. This section shall not be construed as prohibiting any city or town from entering into agreements with private persons which regulate or control the amount of rent to be charged for rental properties.

[1981 c 75 § 1.]

Notes:

Applicability to floating home moorage sites -- 1981 c 75: "Nothing in this act shall be construed to preempt local ordinances that relate to the control of rents or other relationships at floating home moorage sites." [1981 c 75 § 3.]

Severability -- 1981 c 75: "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." [1981 c 75 § 4.]