
SENATE BILL 5039

State of Washington

53rd Legislature

1993 Regular Session

By Senators Haugen and Winsley

Read first time 01/11/93. Referred to Committee on Government Operations.

1 AN ACT Relating to provision of a process to alter local
2 governments; amending RCW 29.30.101; adding a new chapter to Title 36
3 RCW; adding new sections to chapter 43.63A RCW; adding a new section to
4 chapter 46.68 RCW; adding a new section to chapter 66.08 RCW; adding
5 new sections to chapter 82.14 RCW; adding a new section to chapter
6 82.44 RCW; and providing a contingent effective date.

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

8 NEW SECTION. **Sec. 1.** The purpose of chapter ..., Laws of 1993
9 (this act) is to partially implement the provisions of Article XI,
10 section ... (HJR ___), of the Washington state Constitution, by
11 establishing a citizens' review process by which proposals to alter
12 local governments can be developed and presented to voters for their
13 approval or rejection. The citizens' review process is in addition to
14 other processes included in the state Constitution and statutes for
15 considering alterations of local governments, alterations of county
16 governments, or alterations of city governments, including but not
17 limited to those processes contained in Article XI, sections 4, 10, and
18 16 of the state Constitution.

1 NEW SECTION. **Sec. 2.** Unless the context clearly requires
2 otherwise, the definitions in this section apply throughout this
3 chapter.

4 (1) "City" means a city or town, including a city operating under
5 Title 35A RCW.

6 (2) "Citizens' review process" means the process to alter local
7 governments established by this chapter.

8 (3) "Department" means the department of community development.

9 (4) "Local government" means a county, city, or special district.

10 (5) "Special district" means a municipal or quasi-municipal
11 corporation in the state, other than a county, city, or school
12 district.

13 (6) "Temporary citizens' review committee" or "temporary committee"
14 means a temporary committee created pursuant to this chapter in a
15 county, or multicounty area, to review local governments, to make
16 proposals to alter local governments, and submit the proposals to the
17 voters.

18 NEW SECTION. **Sec. 3.** The citizens' review process shall be
19 initiated in any county whenever:

20 (1) A petition is presented to the county legislative authority of
21 the county calling for the creation of a temporary citizens' review
22 committee, which petition has been signed by county voters equal in
23 number to at least ten percent of the number of county voters who voted
24 at the last state general election; or

25 (2) A resolution is adopted by the county legislative authority of
26 the county calling for the creation of the temporary committee.

27 The county legislative authority shall call special elections to
28 nominate and elect persons to the directly elected positions on a
29 temporary citizens' review committee whenever the citizens' review
30 process has been initiated, with the election to nominate two persons
31 for each position being held at the next primary election occurring
32 sixty or more days after such a valid petition with sufficient
33 signatures was filed or such a resolution was adopted, and the election
34 to elect one of the nominees for each position being held at the next
35 state general election.

36 NEW SECTION. **Sec. 4.** A ballot proposition authorizing the
37 initiation of the citizens' review process shall be submitted at the

1 primary election in 2000, and each ten years thereafter, to the voters
2 of each county that has a population of one hundred thousand or more
3 for the last preceding ten years if the citizens' review process has
4 not been invoked in the county during this last preceding ten-year
5 period.

6 At the same primary election, a special election shall be held to
7 nominate two persons for each directly elected position. The results
8 of this election for such nominations shall be null and void if the
9 ballot proposition to authorize the initiation of the citizens' review
10 process is defeated. One of the nominees for each directly elected
11 position shall be elected at the next following general election if the
12 ballot proposition to authorize the initiation of the citizens' review
13 process is approved.

14 The ballot proposition to initiate the citizens' review process
15 shall be worded substantially as follows:

16 "Shall a temporary citizens' review committee be created to
17 review local governments within (insert the name of
18 the county) and possibly submit proposals for altering local
19 governments to voters for their approval or rejection?"

20 Approval of the proposition shall be by a simple majority vote.

21 NEW SECTION. **Sec. 5.** A temporary citizens' review committee shall
22 be composed of fifteen to twenty-five voters of the county who are
23 elected directly and from five to fifteen local elected officials who
24 are appointed to act in an advisory capacity.

25 Unless specified otherwise in the petition initiating the citizens'
26 review process, the county legislative authority shall designate the
27 number of directly elected positions and whether the directly elected
28 members shall be nominated and elected from county legislative
29 authority districts, if any exist in the county, or on an at-large
30 basis throughout the county, or a combination of election from such
31 districts and on an at-large basis.

32 Unless specified otherwise in the petition initiating the citizens'
33 review process, the county legislative authority shall designate the
34 number of elected officials who are appointed to act in an advisory
35 capacity, the distribution of such officials from the county, cities,
36 and special districts, and how such officials shall be selected.

1 Each directly elected position on a temporary citizens' review
2 committee shall be numbered consecutively and each candidate for such
3 a position shall file for a numbered position.

4 Elected officials may run for directly elected temporary citizens'
5 review committee positions if otherwise qualified. A person may be a
6 candidate for both a directly elected temporary citizens' review
7 committee position and other elective office at the same election.

8 A vacancy in a directly elected position shall be filled by action
9 of the directly elected members of the temporary citizens' review
10 committee.

11 NEW SECTION. **Sec. 6.** The county legislative authority of each
12 county shall convene a meeting of the temporary citizens' review
13 committee. Only members who are elected directly to the temporary
14 citizens' review committee may vote on any matter, and the local
15 government elected officials who are appointed as members of the
16 committee to represent local governments shall act in an advisory
17 capacity only and shall not have a vote on any matter before the
18 committee.

19 A member who is elected directly to the committee shall be elected
20 as the chair of the committee for a term established by the committee.

21 An action by a temporary citizens' review committee in electing a
22 chair, adopting procedural rules, adopting a proposal that is to be
23 submitted to the voters for their approval or rejection, or disbanding
24 the committee shall be by approval of a majority of the entire directly
25 elected committee members.

26 NEW SECTION. **Sec. 7.** (1) A temporary citizens' review committee
27 may propose a ballot proposition to the voters of the county or an area
28 less than county-wide that can be answered in the affirmative or
29 negative. A proposal may be cast in the form of a charter, an
30 amendment to an existing charter, or any other specific alternative or
31 ballot proposition to which the voters can respond with an affirmative
32 or negative vote, including an affirmative or negative vote on a
33 general concept for further study or planning and later formulation
34 into a specific ballot proposition. Where appropriate, voters may be
35 offered a ballot proposition providing for the acceptance or rejection
36 of a general change, together with the making of subsequent choices
37 between two or more options implementing the general change, where, if

1 the general ballot proposition is approved, the option receiving the
2 most approval controls.

3 (2) A proposal may provide for a change in local governments
4 located within the county, including the dissolution or
5 disincorporation of a local government, the transfer of powers or
6 authorities between local governments, the transfer of revenues between
7 local governments in relationship to their obligations for providing
8 facilities and services, the consolidation of local governments, or the
9 creation of new units of local government, including any changes
10 authorized under Article XI, section 16 of the state Constitution,
11 except school districts shall not be affected by a change. However, a
12 proposal shall not affect the generation nor distribution of electrical
13 energy nor maritime shipping activities. Such transfers of revenue may
14 include, but are not limited to: (a) Tax-base sharing; (b)
15 reallocating the distribution of state collected tax receipts that are
16 distributed to the county and cities within the county pursuant to RCW
17 46.68.100 through 46.68.124, 66.08.200, 66.08.210, and 82.44.150; (c)
18 reallocating the sales tax equalization receipts provided for in RCW
19 82.14.200 and 82.14.210 for which the county and cities within the
20 county are eligible; (d) altering or eliminating the percentage of a
21 city's sales and use tax receipts that are distributed to the county
22 pursuant to RCW 82.14.030(2); and (e) altering the rate of a city's
23 sales and use taxes that are imposed under RCW 82.14.030(1), not to
24 exceed a rate of five-tenths of one percent.

25 (3) A proposal for voter action shall be forwarded to the county
26 legislative authority at least one hundred twenty days before the state
27 general election at which it will be submitted to the voters. The
28 county legislative authority shall cause the proposal or proposals to
29 be placed upon the ballot at this general election to be submitted
30 county-wide, or in a less than county-wide area if specified by the
31 temporary citizens' review committee. A temporary citizens' review
32 committee may specify that a proposal be submitted to the voters of a
33 less than county-wide area only where all of the territory included
34 within the boundaries of each local government, that would be affected
35 directly by the proposal, if approved, is included in the less than
36 county-wide area.

37 (4) Approval of a proposed change shall be by a simple majority of
38 the voters in the entire area to which the proposal is submitted who
39 vote on the proposal. However, a portion of a proposal that provides

1 for the dissolution or disincorporation of a local government shall not
2 be effective even with this simple majority approval if the vote of the
3 voters who vote on the proposition, and who reside in the geographic
4 area encompassing the boundaries of the local government or governments
5 proposed to be dissolved or disincorporated, disapprove of the proposal
6 by a sixty percent or larger margin.

7 NEW SECTION. **Sec. 8.** A temporary citizens' review committee is
8 not required to make proposed changes to local governments within the
9 county.

10 The county legislative authority of the county for which a
11 temporary citizens' review committee has been elected may adopt a
12 resolution declaring the citizens' review process to be concluded and
13 disband the temporary citizens' review committee whenever citizen
14 members who are elected directly to the temporary citizens' review
15 committee have been elected to those positions for three hundred sixty-
16 five or more days without forwarding a proposal to the county
17 legislative authority. A temporary citizens' review committee shall
18 not remain in existence for longer than seven hundred thirty days after
19 the citizen members who are elected directly to the committee have been
20 elected to those positions, and shall be disbanded at that time.

21 NEW SECTION. **Sec. 9.** The temporary citizens' review committees of
22 two or more adjacently located counties may join together, under
23 jointly established terms, and establish a multicounty temporary
24 citizens' review committee from among all or part of the citizen
25 members who are elected directly to the committees of each county, and
26 all or part of the local government elected officials who serve in an
27 advisory capacity on the committees of each county, to consider
28 possible changes for local governments within all or part of the
29 multicounty area for a specified purpose or purposes.

30 A multicounty temporary citizens' review committee shall function
31 in the same manner as a single county temporary citizens' review
32 committee, except that: (1) A proposal must be approved by each of the
33 county temporary citizens' review committees before it is submitted to
34 the county legislative authorities of the counties for submission to
35 the voters of all the included counties or portions of the included
36 counties, as specified by the multicounty temporary citizens' review
37 committee; and (2) the county legislative authority of a county that is

1 included within a multicounty temporary citizens' review committee can
2 provide for the dissolution of a multicounty temporary citizens' review
3 committee under the conditions provided for in section 8 of this act.

4 NEW SECTION. **Sec. 10.** Documents related to a proposed alteration
5 of local governments, that have been approved by the voters, shall be
6 submitted to the department.

7 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.63A
8 RCW to read as follows:

9 The department shall develop and make available to temporary
10 citizens' review committees created by chapter 36.-- RCW (sections 1
11 through 10 of this act) a variety of model charters and other designs
12 for accomplishing particular structural changes, including but not
13 limited to full-service county structures, city-county consolidations,
14 multiple city consolidations, regional councils, multipurpose special
15 districts, and consolidations of special districts.

16 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.63A
17 RCW to read as follows:

18 The department shall make grants from the moneys appropriated for
19 such purpose to each county to assist in financing the costs of
20 temporary citizens' review committees. The department shall make rules
21 governing the award of such grants pursuant to chapter 34.05 RCW.

22 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.63A
23 RCW to read as follows:

24 The department may undertake one or more demonstration projects
25 with cities, counties, and special districts to carry out the purposes
26 of chapter 36.-- RCW (sections 1 through 10 of this act). If one or
27 more demonstration projects are to be undertaken, preference shall be
28 given based upon the percentage of local government matching
29 contributions on a per capita basis.

30 NEW SECTION. **Sec. 14.** A new section is added to chapter 46.68 RCW
31 to read as follows:

32 Any funds that are distributed to counties, cities, or towns
33 pursuant to this chapter may be transferred by the recipient county,
34 city, or town to another unit of local government if such a transfer is

1 made as the result of a proposal approved by the voters under chapter
2 36.-- RCW (sections 1 through 10 of this act).

3 NEW SECTION. **Sec. 15.** A new section is added to chapter 66.08 RCW
4 to read as follows:

5 Any funds that are distributed to counties, cities, or towns
6 pursuant to this chapter may be transferred by the recipient county,
7 city, or town to another unit of local government if such a transfer is
8 made as the result of a proposal approved by the voters under chapter
9 36.-- RCW (sections 1 through 10 of this act).

10 NEW SECTION. **Sec. 16.** A new section is added to chapter 82.14 RCW
11 to read as follows:

12 The sales and use tax rate imposed by a city under RCW 82.14.030(1)
13 may be altered not to exceed a rate of five-tenths of one percent of
14 the selling price, in the case of a sales tax, or value, in the case of
15 a use tax, if such an alteration is made as the result of a proposal
16 approved by the voters under chapter 36.-- RCW (sections 1 through 10
17 of this act).

18 NEW SECTION. **Sec. 17.** A new section is added to chapter 82.14 RCW
19 to read as follows:

20 The percentage of a city's sales and use tax receipts that a county
21 receives under RCW 82.14.030(2) may be altered or eliminated if such an
22 alteration or elimination is made as the result of a proposal approved
23 by the voters under chapter 36.-- RCW (sections 1 through 10 of this
24 act).

25 NEW SECTION. **Sec. 18.** A new section is added to chapter 82.14 RCW
26 to read as follows:

27 Funds that are distributed to counties or cities pursuant to RCW
28 82.14.200 or 82.14.210 may be transferred by the recipient county or
29 city to another unit of local government if such a transfer is made as
30 the result of a proposal approved by the voters under chapter 36.-- RCW
31 (sections 1 through 10 of this act).

32 NEW SECTION. **Sec. 19.** A new section is added to chapter 82.44 RCW
33 to read as follows:

1 Funds that are distributed to cities or towns pursuant to RCW
2 82.44.150 may be transferred by the recipient city or town to another
3 unit of local government if such a transfer is made as the result of a
4 proposal approved by the voters under chapter 36.-- RCW (sections 1
5 through 10 of this act).

6 **Sec. 20.** RCW 29.30.101 and 1990 c 59 s 14 are each amended to read
7 as follows:

8 The names of the persons certified as nominees by the secretary of
9 state or the county canvassing board shall be printed on the ballot at
10 the ensuing election.

11 No name of any candidate whose nomination at a primary is required
12 by law shall be placed upon the ballot at a general or special election
13 unless it appears upon the certificate of either (1) the secretary of
14 state, or (2) the county canvassing board, or (3) a minor party
15 convention or the state or county central committee of a major
16 political party to fill a vacancy on its ticket under RCW 29.18.160.

17 Excluding the office of precinct committee officer or a directly
18 elected temporary citizens' review committee position as provided in
19 section 5 of this act, a candidate's name shall not appear more than
20 once upon a ballot.

21 NEW SECTION. **Sec. 21.** This act shall take effect on the same date
22 as the proposed amendment to Article XI of the state Constitution takes
23 effect authorizing the legislature to establish processes by which
24 citizens and local officials can alter their local governments, if the
25 proposed amendment is validly submitted and is approved and ratified by
26 the voters of the state at a general election held in November 1991.
27 This act shall be null and void in its entirety if this proposed
28 constitutional amendment is not so approved and ratified.

29 NEW SECTION. **Sec. 22.** Sections 1 through 10 of this act shall
30 constitute a new chapter in Title 36 RCW.

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