

SENATE BILL REPORT

SB 5069

As Reported By Senate Committee On:
Government Operations, February 13, 1997

Title: An act relating to the powers of initiative and referendum within counties that are not home rule charter counties.

Brief Description: Providing for the powers of initiative and referendum within counties.

Sponsors: Senators McCaslin and Haugen.

Brief History:

Committee Activity: Government Operations: 1/24/97, 2/13/97 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass.

Signed by Senators McCaslin, Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Staff: Eugene Green (786-7405)

Background: Currently, only those counties that have adopted a home rule charter (Clallam, King, Pierce, Snohomish, Whatcom) under the provisions of Article XI, Section 4 of the Washington State Constitution or those counties that have adopted a home rule charter and formed a combined city-county (none) under the provisions of Article XI, Section 16 of the Washington State Constitution may provide for the powers of initiative and referendum. All five home rule counties have provided within their charters for the initiative and referendum.

Summary of Bill: The voters of each county may exercise the powers of initiative and referendum. These powers may not be used to alter or avoid duties mandated by state law or state agency rule and these powers do not affect special local referendum procedures provided in state law. Home rule charter provisions concerning the initiative and referendum are not affected.

No ordinance enacted as a result of an initiative may be amended or repealed within two years after enactment except as a result of a subsequent initiative or referendum or by a unanimous vote of the entire membership of the county legislative authority. Ordinances providing for the compensation or working conditions of county employees, redistricting of council districts, authorization or repeal of any appropriation of money or any portion of the annual budget, and authorization or repeal of taxes or fees, are not subject to initiative.

The initiative procedure is as follows:

- A registered voter files an initiative proposal with the county auditor;

- Within five working days after filing, the county auditor must confer with the petitioner as to form and style and transmit copy of the proposal to the county prosecuting attorney;
- The county prosecuting attorney must confer with the petitioner to review legal aspects of the proposal, and within ten working days of receipt of the proposal the county prosecuting attorney must compose a ballot title not exceeding 25 words;
- The petitioner then has 90 days after the ballot title is composed to collect signatures equal in number to not less than 18 percent of the number of votes cast in the county for the office of Governor at the last gubernatorial election;
- If the signatures are validated, the county auditor submits the initiative proposal to the people at the next general or special election that is not less than 120 days after the submission of petitions for signature verification;
- The county legislative authority may adopt a substitute proposal and place both on the same ballot.

Emergency ordinances and ordinances or portions of ordinances providing for the compensation or working conditions of county employees, authorizing or repealing any appropriations of money or any portion of the annual budget, and authorizing or repealing taxes or fees, are not subject to referendum. Upon validation of a referendum petition, the ordinance or part thereof is ineffective pending the outcome of the referendum procedure.

The referendum procedure is as follows:

- The county legislative authority may refer any proposed or enacted ordinance to the voters at a general or special election;
- A registered voter files a referendum proposal with the county auditor within 15 days after the ordinance is passed;
- Within five working days after filing, the county auditor must confer with the petitioner as to form and style and transmit a copy of the proposal to the county prosecuting attorney;
- The county prosecuting attorney must within ten working days compose a ballot title not exceeding 25 words;
- The petitioner then has 60 days after the ballot title is composed to collect signatures equal in number to not less than 15 percent of the number of votes cast in the county for the office of Governor at the last gubernatorial election;
- If the signatures are validated, the county auditor submits the referendum proposal to the people at the next general or special election that is not less than 90 days after the submission of petitions for signature verification.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The people should be able to let their voices be heard.

Testimony Against: This will take away a major reason to become a home rule county. This will let outsiders come in and influence local county politics.

Testified: Chuck Sauvage, Common Cause (pro); Richard Baldwin, Washington Association of Realtors (con); Gary Lowe, Association of Counties.