
SENATE BILL 6679

State of Washington 57th Legislature

2002 Regular Session

By Senators Deccio, Snyder, Morton, T. Sheldon, Sheahan, Hargrove, Rasmussen, Honeyford, McCaslin and Winsley

Read first time 01/25/2002. Referred to Committee on Ways & Means.

1 AN ACT Relating to preserving essential government services in the
2 event of catastrophic county revenue losses; amending RCW 43.06.010;
3 adding new sections to chapter 43.06 RCW; creating a new section; and
4 declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
7 provide a process to preserve for residents of all counties the common
8 protections of their rights, health, safety, and property in case of
9 financial emergency.

10 **Sec. 2.** RCW 43.06.010 and 1994 c 223 s 3 are each amended to read
11 as follows:

12 In addition to those prescribed by the Constitution, the governor
13 may exercise the powers and perform the duties prescribed in this and
14 the following sections:

15 (1) The governor shall supervise the conduct of all executive and
16 ministerial offices;

17 (2) The governor shall see that all offices are filled, including
18 as provided in RCW 42.12.070, and the duties thereof performed, or in

1 default thereof, apply such remedy as the law allows; and if the remedy
2 is imperfect, acquaint the legislature therewith at its next session;

3 (3) The governor shall make the appointments and supply the
4 vacancies mentioned in this title;

5 (4) The governor is the sole official organ of communication
6 between the government of this state and the government of any other
7 state or territory, or of the United States;

8 (5) Whenever any suit or legal proceeding is pending against this
9 state, or which may affect the title of this state to any property, or
10 which may result in any claim against the state, the governor may
11 direct the attorney general to appear on behalf of the state, and
12 report the same to the governor, or to any grand jury designated by the
13 governor, or to the legislature when next in session;

14 (6) The governor may require the attorney general or any
15 prosecuting attorney to inquire into the affairs or management of any
16 corporation existing under the laws of this state, or doing business in
17 this state, and report the same to the governor, or to any grand jury
18 designated by the governor, or to the legislature when next in session;

19 (7) The governor may require the attorney general to aid any
20 prosecuting attorney in the discharge of the prosecutor's duties;

21 (8) The governor may offer rewards, not exceeding one thousand
22 dollars in each case, payable out of the state treasury, for
23 information leading to the apprehension of any person convicted of a
24 felony who has escaped from a state correctional institution or for
25 information leading to the arrest of any person who has committed or is
26 charged with the commission of a felony;

27 (9) The governor shall perform such duties respecting fugitives
28 from justice as are prescribed by law;

29 (10) The governor shall issue and transmit election proclamations
30 as prescribed by law;

31 (11) The governor may require any officer or board to make, upon
32 demand, special reports to the governor, in writing;

33 (12)(a) The governor may, after finding that a public disorder,
34 disaster, energy emergency, or riot exists within this state or any
35 part thereof which affects life, health, property, or the public peace,
36 proclaim a state of emergency in the area affected, and the powers
37 granted the governor during a state of emergency shall be effective
38 only within the area described in the proclamation.

1 (b) After receipt of a declaration of revenue emergency by a county
2 legislative authority, the governor may proclaim a county revenue
3 emergency in that county, draw upon the unappropriated amount in the
4 state treasury, and pay for the essential government services set forth
5 under section 3 of this act;

6 (13) The governor may, after finding that there exists within this
7 state an imminent danger of infestation of plant pests as defined in
8 RCW 17.24.007 or plant diseases which seriously endangers the
9 agricultural or horticultural industries of the state of Washington, or
10 which seriously threatens life, health, or economic well-being, order
11 emergency measures to prevent or abate the infestation or disease
12 situation, which measures, after thorough evaluation of all other
13 alternatives, may include the aerial application of pesticides;

14 (14) On all compacts forwarded to the governor pursuant to RCW
15 9.46.360(6), the governor is authorized and empowered to execute on
16 behalf of the state compacts with federally recognized Indian tribes in
17 the state of Washington pursuant to the federal Indian Gaming
18 Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III
19 gaming, as defined in the Act, on Indian lands.

20 NEW SECTION. Sec. 3. A new section is added to chapter 43.06 RCW
21 to read as follows:

22 A county legislative authority may by a vote of at least sixty
23 percent of its members declare a revenue emergency. At a minimum the
24 resolution must find the following:

25 (1) That county revenues, including unrestricted current expense
26 fund balances, equal less than ninety percent of the average annual
27 current expense budget for the previous two years;

28 (2) That the county cannot provide the required services in any or
29 all of the following areas: Access to civil and criminal courts,
30 public defense, constitutionally required translation services for non-
31 English speakers, juvenile detention, juvenile parole, community
32 supervision for adult offenders, indigent defense for dependency
33 hearings, protection of public health, elections, timely assessment of
34 property, recording of legal documents and titles, maintenance of a
35 minimal police patrol and response function in unincorporated areas,
36 processing of permits for development and construction, and other
37 services required by the state or federal law or Constitution;

1 (3) That the inability to fund required services is the result of
2 a loss of state funds or a loss of local funds as a result of state
3 action; and

4 (4) That the county government will be unable to meet its legal
5 obligations to provide services without state assistance.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.06 RCW
7 to read as follows:

8 (1) Within twenty-four hours of making a declaration under section
9 3 of this act, the county legislative authority shall transmit copies
10 of its declaration to all of the county government's other elected
11 officials, the governor, the lieutenant governor, the secretary of
12 state, the state treasurer, the state auditor, the state attorney
13 general, the chief justice of the state supreme court, the speaker and
14 minority leader of the state house of representatives, and the majority
15 and minority leaders of the state senate.

16 (2) Upon receiving a county's declaration of revenue emergency, the
17 governor may direct state officials to collect additional information
18 from the county to assist in making a final determination of the
19 county's situation and requirements. The governor shall respond within
20 thirty days. If the governor concurs that the county has a revenue
21 emergency, the governor may proclaim a county revenue emergency and
22 provide funds under RCW 43.06.010(12)(b).

23 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and takes effect
26 immediately.

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