

**ESSB 5659 - H AMD 450**

By Representative Campbell

ADOPTED 04/18/2003

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that local  
4 governments in the state of Washington face enormous challenges in the  
5 area of criminal justice and public health. It is the legislature's  
6 intent to allow local governments to raise revenues in order to better  
7 protect the health and safety of Washington state and its residents.  
8 It is further the intent of the legislature to provide local  
9 governments relief from regulatory burdens that do not harm the public  
10 health and safety of the citizens of the state as a means of minimizing  
11 the need to generate new revenues authorized under this act.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.14 RCW  
13 to read as follows:

14 (1) A county legislative authority may submit an authorizing  
15 proposition to the county voters and, if the proposition is approved by  
16 a majority of persons voting, impose a sales and use tax in accordance  
17 with the terms of this chapter. The title of each ballot measure must  
18 include the purposes for which the proposed sales and use tax will be  
19 used. The rate of tax under this section shall not exceed three-tenths  
20 of one percent of the selling price in the case of a sales tax, or  
21 value of the article used, in the case of a use tax.

22 (2) The tax authorized in this section is in addition to any other  
23 taxes authorized by law and shall be collected from those persons who  
24 are taxable by the state under chapters 82.08 and 82.12 RCW upon the  
25 occurrence of any taxable event within the county.

26 (3) The retail sale of new motor vehicles, and the lease of new  
27 motor vehicles for up to the first thirty-six months of the lease, are  
28 exempt from tax imposed under this section.

1 (4) One-third of all money received under this section shall be  
2 used solely for criminal justice purposes. For the purposes of this  
3 subsection, "criminal justice purposes" means additional police  
4 protection, mitigation of congested court systems, or relief of  
5 overcrowded jails or other local correctional facilities.

6 (5) Money received under this section shall be shared between the  
7 county and the cities as follows: Sixty percent shall be retained by  
8 the county and forty percent shall be distributed on a per capita basis  
9 to cities in the county.

10 **Sec. 3.** RCW 36.70A.130 and 2002 c 320 s 1 are each amended to read  
11 as follows:

12 (1)(a) Each comprehensive land use plan and development regulations  
13 shall be subject to continuing review and evaluation by the county or  
14 city that adopted them. A county or city shall take legislative action  
15 to review and, if needed, revise its comprehensive land use plan and  
16 development regulations to ensure the plan and regulations comply with  
17 the requirements of this chapter according to the time periods  
18 specified in subsection (4) of this section. A county or city not  
19 planning under RCW 36.70A.040 shall take action to review and, if  
20 needed, revise its policies and development regulations regarding  
21 critical areas and natural resource lands adopted according to this  
22 chapter to ensure these policies and regulations comply with the  
23 requirements of this chapter according to the time periods specified in  
24 subsection (4) of this section. Legislative action means the adoption  
25 of a resolution or ordinance following notice and a public hearing  
26 indicating at a minimum, a finding that a review and evaluation has  
27 occurred and identifying the revisions made, or that a revision was not  
28 needed and the reasons therefore. The review and evaluation required  
29 by this subsection may be combined with the review required by  
30 subsection (3) of this section. The review and evaluation required by  
31 this subsection shall include, but is not limited to, consideration of  
32 critical area ordinances and, if planning under RCW 36.70A.040, an  
33 analysis of the population allocated to a city or county from the most  
34 recent ten-year population forecast by the office of financial  
35 management.

1 (b) Any amendment of or revision to a comprehensive land use plan  
2 shall conform to this chapter. Any amendment of or revision to  
3 development regulations shall be consistent with and implement the  
4 comprehensive plan.

5 (2)(a) Each county and city shall establish and broadly disseminate  
6 to the public a public participation program consistent with RCW  
7 36.70A.035 and 36.70A.140 that identifies procedures and schedules  
8 whereby updates, proposed amendments, or revisions of the comprehensive  
9 plan are considered by the governing body of the county or city no more  
10 frequently than once every year. "Updates" means to review and revise,  
11 if needed, according to subsection (1) of this section, and the time  
12 periods specified in subsection (4) of this section. Amendments may be  
13 considered more frequently than once per year under the following  
14 circumstances:

15 (i) The initial adoption of a subarea plan that does not modify the  
16 comprehensive plan policies and designations applicable to the subarea;

17 (ii) The adoption or amendment of a shoreline master program under  
18 the procedures set forth in chapter 90.58 RCW; and

19 (iii) The amendment of the capital facilities element of a  
20 comprehensive plan that occurs concurrently with the adoption or  
21 amendment of a county or city budget.

22 (b) Except as otherwise provided in (a) of this subsection, all  
23 proposals shall be considered by the governing body concurrently so the  
24 cumulative effect of the various proposals can be ascertained.  
25 However, after appropriate public participation a county or city may  
26 adopt amendments or revisions to its comprehensive plan that conform  
27 with this chapter whenever an emergency exists or to resolve an appeal  
28 of a comprehensive plan filed with a growth management hearings board  
29 or with the court.

30 (3) Each county that designates urban growth areas under RCW  
31 36.70A.110 shall review, at least every ten years, its designated urban  
32 growth area or areas, and the densities permitted within both the  
33 incorporated and unincorporated portions of each urban growth area. In  
34 conjunction with this review by the county, each city located within an  
35 urban growth area shall review the densities permitted within its  
36 boundaries, and the extent to which the urban growth occurring within  
37 the county has located within each city and the unincorporated portions

1 of the urban growth areas. The county comprehensive plan designating  
2 urban growth areas, and the densities permitted in the urban growth  
3 areas by the comprehensive plans of the county and each city located  
4 within the urban growth areas, shall be revised to accommodate the  
5 urban growth projected to occur in the county for the succeeding  
6 twenty-year period. The review required by this subsection may be  
7 combined with the review and evaluation required by RCW 36.70A.215.

8 (4) The department shall establish a schedule for counties and  
9 cities to take action to review and, if needed, revise their  
10 comprehensive plans and development regulations to ensure the plan and  
11 regulations comply with the requirements of this chapter. The schedule  
12 established by the department shall provide for the reviews and  
13 evaluations to be completed as follows:

14 (a) On or before December 1, 2004, and every seven years  
15 thereafter, for ((Clallam~~7~~)) Clark, ((Jefferson~~7~~)) King, Kitsap,  
16 Pierce, Snohomish, Thurston, and Whatcom counties and the cities within  
17 those counties;

18 (b) On or before December 1, 2005, and every seven years  
19 thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit,  
20 Clallam, Jefferson, and Skamania counties and the cities within those  
21 counties;

22 (c) On or before December 1, 2006, and every seven years  
23 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and  
24 Yakima counties and the cities within those counties; and

25 (d) On or before December 1, 2007, and every seven years  
26 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,  
27 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,  
28 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities  
29 within those counties.

30 (5)(a) Nothing in this section precludes a county or city from  
31 conducting the review and evaluation required by this section before  
32 the time limits established in subsection (4) of this section.  
33 Counties and cities may begin this process early and may be eligible  
34 for grants from the department, subject to available funding, if they  
35 elect to do so.

36 (b) State agencies are encouraged to provide technical assistance

1 to the counties and cities in the review of critical area ordinances,  
2 comprehensive plans, and development regulations.

3 (6) A county or city subject to the time periods in subsection  
4 (4)(a) of this section that, pursuant to an ordinance adopted by the  
5 county or city establishing a schedule for periodic review of its  
6 comprehensive plan and development regulations, has conducted a review  
7 and evaluation of its comprehensive plan and development regulations  
8 and, on or after January 1, 2001, has taken action in response to that  
9 review and evaluation shall be deemed to have conducted the first  
10 review required by subsection (4)(a) of this section. Subsequent  
11 review and evaluation by the county or city of its comprehensive plan  
12 and development regulations shall be conducted in accordance with the  
13 time periods established under subsection (4)(a) of this section.

14 (7) The requirements imposed on counties and cities under this  
15 section shall be considered "requirements of this chapter" under the  
16 terms of RCW 36.70A.040(1). Only those counties and cities in  
17 compliance with the schedules in this section shall have the requisite  
18 authority to receive grants, loans, pledges, or financial guarantees  
19 from those accounts established in RCW 43.155.050 and 70.146.030. Only  
20 those counties and cities in compliance with the schedules in this  
21 section shall receive preference for grants or loans subject to the  
22 provisions of RCW 43.17.250.

23 **Sec. 4.** RCW 84.55.050 and 1989 c 287 s 1 are each amended to read  
24 as follows:

25 (1) Subject to any otherwise applicable statutory dollar rate  
26 limitations, regular property taxes may be levied by or for a taxing  
27 district in an amount exceeding the limitations provided for in this  
28 chapter if such levy is authorized by a proposition approved by a  
29 majority of the voters of the taxing district voting on the proposition  
30 at a general election held within the district or at a special election  
31 within the taxing district called by the district for the purpose of  
32 submitting such proposition to the voters. Any election held pursuant  
33 to this section shall be held not more than twelve months prior to the  
34 date on which the proposed levy is to be made, except as provided in  
35 subsection (3)(b) of this section. The ballot of the proposition shall

1 state the dollar rate proposed and shall clearly state any conditions  
2 which are applicable under subsection (3) of this section.

3 (2) After a levy authorized pursuant to this section is made, the  
4 dollar amount of such levy shall be used for the purpose of computing  
5 the limitations for subsequent levies provided for in this chapter,  
6 except as provided in subsections (3) and (4) of this section.

7 (3) A proposition placed before the voters under this section may:

8 (a) Limit the period for which the increased levy is to be made;

9 (b) Authorize annual increases in levies for multiple consecutive  
10 years, up to six consecutive years, during which period each year's  
11 authorized maximum legal levy shall be used as the base upon which an  
12 increased levy limit for the succeeding year is computed, but the  
13 ballot proposition must state the dollar rate proposed only for the  
14 first year of the consecutive years and must state the limit factor, or  
15 a specified index to be used for determining a limit factor, such as  
16 the consumer price index, which need not be the same for all years, by  
17 which the regular tax levy for the district may be increased in each of  
18 the subsequent consecutive years;

19 (c) Limit the purpose for which the increased levy is to be made,  
20 but if the limited purpose includes making redemption payments on  
21 bonds, the period for which the increased levies are made shall not  
22 exceed nine years;

23 ~~((e))~~ (d) Set the levy at a rate less than the maximum rate  
24 allowed for the district;

25 (e) Provide that the maximum allowable dollar amount of the final  
26 annual levy of the period specified in the measure shall be used to  
27 compute the limitations provided for in this chapter on levy increases  
28 occurring after the expiration of the period; or

29 ~~((d))~~ (f) Include any combination of the conditions in this  
30 subsection.

31 (4) Except as otherwise provided in an approved ballot measure  
32 under this section, after the expiration of a limited period or the  
33 satisfaction of a limited purpose, whichever comes first, subsequent  
34 levies shall be computed as if:

35 (a) The limited proposition under subsection (3) of this section  
36 had not been approved; and

1 (b) The taxing district had made levies at the maximum rates which  
2 would otherwise have been allowed under this chapter during the years  
3 levies were made under the limited proposition.

4 **Sec. 5.** RCW 36.70A.040 and 2000 c 36 s 1 are each amended to read  
5 as follows:

6 (1)(a) Each county that has both a population of fifty thousand or  
7 more and, until May 16, 1995, has had its population increase by more  
8 than ten percent in the previous ten years or, on or after May 16,  
9 1995, has had its population increase by more than seventeen percent in  
10 the previous ten years, and the cities located within such county, and  
11 any other county regardless of its population that has had its  
12 population increase by more than twenty percent in the previous ten  
13 years, and the cities located within such county, shall conform with  
14 all of the requirements of this chapter. However, the county  
15 legislative authority of such a county with a population of less than  
16 fifty thousand population may adopt a resolution removing the county,  
17 and the cities located within the county, from the requirements of  
18 adopting comprehensive land use plans and development regulations under  
19 this chapter if this resolution is adopted and filed with the  
20 department by December 31, 1990, for counties initially meeting this  
21 set of criteria, or within sixty days of the date the office of  
22 financial management certifies that a county meets this set of criteria  
23 under subsection (~~(5)~~) (6) of this section. For the purposes of this  
24 subsection, a county not currently planning under this chapter is not  
25 required to include in its population count those persons confined in  
26 a correctional facility under the jurisdiction of the department of  
27 corrections that is located in the county.

28 (b) Once a county meets either of these sets of criteria and the  
29 county has not removed itself from the requirement to plan under this  
30 section pursuant to subsection (3) of this section, the requirement to  
31 conform with all of the requirements of this chapter remains in effect,  
32 even if the county no longer meets one of these sets of criteria.

33 (2) The county legislative authority of any county that does not  
34 meet either of the sets of criteria established under subsection (1) of  
35 this section may adopt a resolution indicating its intention to have  
36 subsection (1) of this section apply to the county. Each city, located

1 in a county that chooses to plan under this subsection, shall conform  
2 with all of the requirements of this chapter. Once such a resolution  
3 has been adopted, the county and the cities located within the county  
4 remain subject to all of the requirements of this chapter unless the  
5 county removes itself from the requirement to plan under this section  
6 pursuant to subsection (3) of this section.

7 (3) A county that meets the requirements of this subsection, and a  
8 city located within the county, may be relieved from the requirement to  
9 plan under this section.

10 (a) A county may be relieved from the planning requirement of this  
11 section only if the county: (i) Has a population of less than ten  
12 thousand; (ii) has a privately owned taxable land base of less than  
13 twenty percent; and (iii) includes no more than one incorporated city.

14 (b) To be relieved from the planning requirement of this section,  
15 a county shall adopt a resolution that removes the county and the city  
16 from the requirement to plan and shall file the resolution with the  
17 department. Removal shall be deemed to occur on the date the  
18 resolution is filed with the department.

19 (4) Any county or city that is initially required to conform with  
20 all of the requirements of this chapter under subsection (1) of this  
21 section and has not removed itself under subsection (3) of this section  
22 shall take actions under this chapter as follows: (a) The county  
23 legislative authority shall adopt a county-wide planning policy under  
24 RCW 36.70A.210; (b) the county and each city located within the county  
25 shall designate critical areas, agricultural lands, forest lands, and  
26 mineral resource lands, and adopt development regulations conserving  
27 these designated agricultural lands, forest lands, and mineral resource  
28 lands and protecting these designated critical areas, under RCW  
29 36.70A.170 and 36.70A.060; (c) the county shall designate and take  
30 other actions related to urban growth areas under RCW 36.70A.110; (d)  
31 if the county has a population of fifty thousand or more, the county  
32 and each city located within the county shall adopt a comprehensive  
33 plan under this chapter and development regulations that are consistent  
34 with and implement the comprehensive plan on or before July 1, 1994,  
35 and if the county has a population of less than fifty thousand, the  
36 county and each city located within the county shall adopt a  
37 comprehensive plan under this chapter and development regulations that

1 are consistent with and implement the comprehensive plan by January 1,  
2 1995, but if the governor makes written findings that a county with a  
3 population of less than fifty thousand or a city located within such a  
4 county is not making reasonable progress toward adopting a  
5 comprehensive plan and development regulations the governor may reduce  
6 this deadline for such actions to be taken by no more than one hundred  
7 eighty days. Any county or city subject to this subsection may obtain  
8 an additional six months before it is required to have adopted its  
9 development regulations by submitting a letter notifying the department  
10 of community, trade, and economic development of its need prior to the  
11 deadline for adopting both a comprehensive plan and development  
12 regulations.

13 ~~((4))~~ (5) Any county or city that is required to conform with all  
14 the requirements of this chapter, as a result of the county legislative  
15 authority adopting its resolution of intention under subsection (2) of  
16 this section and the county has not removed itself pursuant to  
17 subsection (3) of this section, shall take actions under this chapter  
18 as follows: (a) The county legislative authority shall adopt a county-  
19 wide planning policy under RCW 36.70A.210; (b) the county and each city  
20 that is located within the county shall adopt development regulations  
21 conserving agricultural lands, forest lands, and mineral resource lands  
22 it designated under RCW 36.70A.060 within one year of the date the  
23 county legislative authority adopts its resolution of intention; (c)  
24 the county shall designate and take other actions related to urban  
25 growth areas under RCW 36.70A.110; and (d) the county and each city  
26 that is located within the county shall adopt a comprehensive plan and  
27 development regulations that are consistent with and implement the  
28 comprehensive plan not later than four years from the date the county  
29 legislative authority adopts its resolution of intention, but a county  
30 or city may obtain an additional six months before it is required to  
31 have adopted its development regulations by submitting a letter  
32 notifying the department of community, trade, and economic development  
33 of its need prior to the deadline for adopting both a comprehensive  
34 plan and development regulations.

35 ~~((5))~~ (6) If the office of financial management certifies that  
36 the population of a county that previously had not been required to  
37 plan under subsection (1) or (2) of this section has changed

1 sufficiently to meet either of the sets of criteria specified under  
2 subsection (1) of this section, and where applicable, the county  
3 legislative authority has not adopted a resolution removing the county  
4 from these requirements as provided in subsection (1) of this section,  
5 the county and each city within such county shall take actions under  
6 this chapter as follows: (a) The county legislative authority shall  
7 adopt a county-wide planning policy under RCW 36.70A.210; (b) the  
8 county and each city located within the county shall adopt development  
9 regulations under RCW 36.70A.060 conserving agricultural lands, forest  
10 lands, and mineral resource lands it designated within one year of the  
11 certification by the office of financial management; (c) the county  
12 shall designate and take other actions related to urban growth areas  
13 under RCW 36.70A.110; and (d) the county and each city located within  
14 the county shall adopt a comprehensive land use plan and development  
15 regulations that are consistent with and implement the comprehensive  
16 plan within four years of the certification by the office of financial  
17 management, but a county or city may obtain an additional six months  
18 before it is required to have adopted its development regulations by  
19 submitting a letter notifying the department of community, trade, and  
20 economic development of its need prior to the deadline for adopting  
21 both a comprehensive plan and development regulations.

22 ~~((+6+))~~ (7) A copy of each document that is required under this  
23 section shall be submitted to the department at the time of its  
24 adoption.

25 ~~((+7+))~~ (8) Cities and counties planning under this chapter must  
26 amend the transportation element of the comprehensive plan to be in  
27 compliance with this chapter and chapter 47.80 RCW no later than  
28 December 31, 2000.

29 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
30 preservation of the public peace, health, or safety, or support of the  
31 state government and its existing public institutions, and takes effect  
32 July 1, 2003."

33 Correct the title.

EFFECT: Provides that the sale or lease of a new motor vehicle is

exempt from the 0.3 percent local sales and use tax authorized in the bill. Replaces the growth management act withdrawal criteria with criteria that limit potential withdrawal to a county of fewer than 10,000 persons, with a privately owned taxable land base of less than 20 percent, and with only one incorporated city. Makes the bill effective July 1, 2003. Requires that one-third of the revenues received from the sales and use tax to be used for certain criminal justice purposes related to police, the court system, or jails or other local correctional facilities.

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