

ESSB 5659 - S AMD 482
By Senator Winsley

6/10/03 ADOPTED AS AMENDED

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 general local governments to raise revenues in order to
7 better protect the health and safety of Washington state and its
8 residents. It is further the intent of the legislature to provide such
9 local governments relief from regulatory burdens that do not harm the
10 public health and safety of the citizens of the state as a means of
11 minimizing 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 at a primary or general election and,
16 if the proposition is approved by a majority of persons voting, impose
17 a sales and use tax in accordance with the terms of this chapter. The
18 title of each ballot measure must clearly state the purposes for which
19 the proposed sales and use tax will be used. Funds raised under this
20 tax shall not supplant existing funds used for these purposes. The
21 rate of tax under this section shall not exceed three-tenths of one
22 percent of the selling price in the case of a sales tax, or value of
23 the article used, in the case of a use tax.

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

28 (3) The retail sale or use of new motor vehicles, and the lease of
29 new motor vehicles for up to the first thirty-six months of the lease,
30 are 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.

36 (b) Any amendment of or revision to a comprehensive land use plan
37 shall conform to this chapter. Any amendment of or revision to

1 development regulations shall be consistent with and implement the
2 comprehensive plan.

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

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

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

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

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

28 (3) Each county that designates urban growth areas under RCW
29 36.70A.110 shall review, at least every ten years, its designated urban
30 growth area or areas, and the densities permitted within both the
31 incorporated and unincorporated portions of each urban growth area. In
32 conjunction with this review by the county, each city located within an
33 urban growth area shall review the densities permitted within its
34 boundaries, and the extent to which the urban growth occurring within
35 the county has located within each city and the unincorporated portions
36 of the urban growth areas. The county comprehensive plan designating
37 urban growth areas, and the densities permitted in the urban growth
38 areas by the comprehensive plans of the county and each city located
39 within the urban growth areas, shall be revised to accommodate the

1 urban growth projected to occur in the county for the succeeding
2 twenty-year period. The review required by this subsection may be
3 combined with the review and evaluation required by RCW 36.70A.215.

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

10 (a) On or before December 1, 2004, and every seven years
11 thereafter, for ((Clallam,)) Clark, ((Jefferson,)) King, Kitsap,
12 Pierce, Snohomish, Thurston, and Whatcom counties and the cities within
13 those counties;

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

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

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

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

32 (b) State agencies are encouraged to provide technical assistance
33 to the counties and cities in the review of critical area ordinances,
34 comprehensive plans, and development regulations.

35 (6) A county or city subject to the time periods in subsection
36 (4)(a) of this section that, pursuant to an ordinance adopted by the
37 county or city establishing a schedule for periodic review of its
38 comprehensive plan and development regulations, has conducted a review
39 and evaluation of its comprehensive plan and development regulations

1 and, on or after January 1, 2001, has taken action in response to that
2 review and evaluation shall be deemed to have conducted the first
3 review required by subsection (4)(a) of this section. Subsequent
4 review and evaluation by the county or city of its comprehensive plan
5 and development regulations shall be conducted in accordance with the
6 time periods established under subsection (4)(a) of this section.

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

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

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

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

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

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

37 (b) Subject to statutory dollar limitations in RCW 84.52.043,
38 authorize annual increases in levies for any county, city, or town for

1 multiple consecutive years, up to six consecutive years, during which
2 period each year's authorized maximum legal levy shall be used as the
3 base upon which an increased levy limit for the succeeding year is
4 computed, but the ballot proposition must state the dollar rate
5 proposed only for the first year of the consecutive years and must
6 state the limit factor, or a specified index to be used for determining
7 a limit factor, such as the consumer price index, which need not be the
8 same for all years, by which the regular tax levy for the district may
9 be increased in each of the subsequent consecutive years. Elections
10 for this purpose must be held at a primary or general election. The
11 title of each ballot measure must state the specific purposes for which
12 the proposed levy increase shall be used, and funds raised under this
13 levy shall not supplant existing funds used for these purposes;

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

18 ((+e)) (d) Set the levy at a rate less than the maximum rate
19 allowed for the district;

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

24 ((+d)) (f) Include any combination of the conditions in this
25 subsection.

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

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

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

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

37 (1)(a) Each county that has both a population of fifty thousand or
38 more and, until May 16, 1995, has had its population increase by more

1 than ten percent in the previous ten years or, on or after May 16,
2 1995, has had its population increase by more than seventeen percent in
3 the previous ten years, and the cities located within such county, and
4 any other county regardless of its population that has had its
5 population increase by more than twenty percent in the previous ten
6 years, and the cities located within such county, shall conform with
7 all of the requirements of this chapter. However, the county
8 legislative authority of such a county with a population of less than
9 fifty thousand population may adopt a resolution removing the county,
10 and the cities located within the county, from the requirements of
11 adopting comprehensive land use plans and development regulations under
12 this chapter if this resolution is adopted and filed with the
13 department by December 31, 1990, for counties initially meeting this
14 set of criteria, or within sixty days of the date the office of
15 financial management certifies that a county meets this set of criteria
16 under subsection ~~((+5+))~~ (6) of this section. For the purposes of this
17 subsection, a county not currently planning under this chapter is not
18 required to include in its population count those persons confined in
19 a correctional facility under the jurisdiction of the department of
20 corrections that is located in the county.

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

26 (2) The county legislative authority of any county that does not
27 meet either of the sets of criteria established under subsection (1) of
28 this section may adopt a resolution indicating its intention to have
29 subsection (1) of this section apply to the county. Each city, located
30 in a county that chooses to plan under this subsection, shall conform
31 with all of the requirements of this chapter. Once such a resolution
32 has been adopted, the county and the cities located within the county
33 remain subject to all of the requirements of this chapter unless the
34 county removes itself from the requirement to plan under this section
35 pursuant to subsection (3) of this section.

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

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

5 (b) To be relieved from the planning requirement of this section,
6 a county shall adopt a resolution that removes the county and the city
7 from the requirement to plan and shall file the resolution with the
8 department. Removal shall be deemed to occur on the date the
9 resolution is filed with the department.

10 (4) Any county or city that is initially required to conform with
11 all of the requirements of this chapter under subsection (1) of this
12 section and has not removed itself under subsection (3) of this section
13 shall take actions under this chapter as follows: (a) The county
14 legislative authority shall adopt a county-wide planning policy under
15 RCW 36.70A.210; (b) the county and each city located within the county
16 shall designate critical areas, agricultural lands, forest lands, and
17 mineral resource lands, and adopt development regulations conserving
18 these designated agricultural lands, forest lands, and mineral resource
19 lands and protecting these designated critical areas, under RCW
20 36.70A.170 and 36.70A.060; (c) the county shall designate and take
21 other actions related to urban growth areas under RCW 36.70A.110; (d)
22 if the county has a population of fifty thousand or more, the county
23 and each city located within the county shall adopt a comprehensive
24 plan under this chapter and development regulations that are consistent
25 with and implement the comprehensive plan on or before July 1, 1994,
26 and if the county has a population of less than fifty thousand, the
27 county and each city located within the county shall adopt a
28 comprehensive plan under this chapter and development regulations that
29 are consistent with and implement the comprehensive plan by January 1,
30 1995, but if the governor makes written findings that a county with a
31 population of less than fifty thousand or a city located within such a
32 county is not making reasonable progress toward adopting a
33 comprehensive plan and development regulations the governor may reduce
34 this deadline for such actions to be taken by no more than one hundred
35 eighty days. Any county or city subject to this subsection may obtain
36 an additional six months before it is required to have adopted its
37 development regulations by submitting a letter notifying the department
38 of community, trade, and economic development of its need prior to the

1 deadline for adopting both a comprehensive plan and development
2 regulations.

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

25 ~~((+5))~~ (6) If the office of financial management certifies that
26 the population of a county that previously had not been required to
27 plan under subsection (1) or (2) of this section has changed
28 sufficiently to meet either of the sets of criteria specified under
29 subsection (1) of this section, and where applicable, the county
30 legislative authority has not adopted a resolution removing the county
31 from these requirements as provided in subsection (1) of this section,
32 the county and each city within such county shall take actions under
33 this chapter as follows: (a) The county legislative authority shall
34 adopt a county-wide planning policy under RCW 36.70A.210; (b) the
35 county and each city located within the county shall adopt development
36 regulations under RCW 36.70A.060 conserving agricultural lands, forest
37 lands, and mineral resource lands it designated within one year of the
38 certification by the office of financial management; (c) the county
39 shall designate and take other actions related to urban growth areas

1 under RCW 36.70A.110; and (d) the county and each city located within
2 the county shall adopt a comprehensive land use plan and development
3 regulations that are consistent with and implement the comprehensive
4 plan within four years of the certification by the office of financial
5 management, but a county or city may obtain an additional six months
6 before it is required to have adopted its development regulations by
7 submitting a letter notifying the department of community, trade, and
8 economic development of its need prior to the deadline for adopting
9 both a comprehensive plan and development regulations.

10 ~~((+6+))~~ (7) A copy of each document that is required under this
11 section shall be submitted to the department at the time of its
12 adoption.

13 ~~((+7+))~~ (8) Cities and counties planning under this chapter must
14 amend the transportation element of the comprehensive plan to be in
15 compliance with this chapter and chapter 47.80 RCW no later than
16 December 31, 2000.

17 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 July 1, 2003.

21 NEW SECTION. **Sec. 7.** If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected."

25 ESSB 5659 - S AMD
26 By Senator Winsley

27
28 On page 1, line 2 of the title, after "governments;" strike the
29 remainder of the title and insert "amending RCW 36.70A.130, 84.55.050,
30 and 36.70A.040; adding a new section to chapter 82.14 RCW; creating a
new section; providing an effective date; and declaring an emergency."

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EFFECT: The striker (a) exempts the sale or lease of a new motor vehicle from the 0.3 percent local sales and use tax authorized in the bill, (b) 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, (c) makes the bill effective July 1, 2003, (d) requires one-third of the revenues from the sales and use tax be used for criminal justice, (e) requires sales and use taxes and multiple year property tax increases to be approved by the voters only at primary or general elections, (f) specifies that only counties, cities, or towns may authorize multiple year property tax increases for up to six years, and (g) mandates the ballot title state the specific uses of the increased funds and prohibits supplanting.