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HOUSE BILL 1057

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Orcutt, O'Brien, Condotta, and McCune

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1            AN ACT Relating to ballot title information; and amending RCW  
2 29A.36.071, 29A.36.210, 84.52.054, and 84.55.050.

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

4            **Sec. 1.** RCW 29A.36.071 and 2006 c 311 s 9 are each amended to read  
5 as follows:

6            (1) Except as provided to the contrary in RCW 82.14.036, 82.46.021,  
7 or 82.80.090, the ballot title of any referendum filed on an enactment  
8 or portion of an enactment of a local government and any other question  
9 submitted to the voters of a local government consists of three  
10 elements: (a) An identification of the enacting legislative body and  
11 a statement of the subject matter; (b) a concise description of the  
12 measure; and (c) a question. If the referendum or question relates to  
13 a property tax levy, the ballot title must include a comparison of the  
14 aggregate financial impact between the taxing district's levy, if any,  
15 in the immediately preceding year and the current ballot, in both  
16 dollar and percentage change terms. Ballot questions under RCW  
17 84.55.050 must include an estimate of the financial impact in the first  
18 year of the levy increase as compared to the taxing district's last  
19 levy, in both dollar and percentage terms. For all ballot titles

1 relating to a property tax levy, with the exception of specific levy  
2 rate questions posed under RCW 84.55.050, any indicated levy rate must  
3 be described as advisory only. The ballot title must conform with the  
4 requirements and be displayed substantially as provided under RCW  
5 29A.72.050, except that the concise description must not exceed  
6 ((~~seventy-five~~)) one hundred words; however, a concise description  
7 submitted on behalf of a proposed or existing regional transportation  
8 investment district may exceed ((~~seventy-five~~)) one hundred words. If  
9 the local governmental unit is a city or a town, the concise statement  
10 shall be prepared by the city or town attorney. If the local  
11 governmental unit is a county, the concise statement shall be prepared  
12 by the prosecuting attorney of the county. If the unit is a unit of  
13 local government other than a city, town, or county, the concise  
14 statement shall be prepared by the prosecuting attorney of the county  
15 within which the majority area of the unit is located.

16 (2) A referendum measure on the enactment of a unit of local  
17 government shall be advertised in the manner provided for nominees for  
18 elective office.

19 (3) Subsection (1) of this section does not apply if another  
20 provision of law specifies the ballot title for a specific type of  
21 ballot question or proposition.

22 **Sec. 2.** RCW 29A.36.210 and 2004 c 80 s 2 are each amended to read  
23 as follows:

24 (1) The ballot proposition authorizing a taxing district to impose  
25 the regular property tax levies authorized in RCW 36.69.145, 67.38.130,  
26 84.52.069, or 84.52.135 shall contain in substance the following:

27 "Shall the . . . . . (insert the name of the taxing district) be  
28 authorized to impose regular property tax levies of . . . . . (insert  
29 the maximum rate) or less per thousand dollars of assessed valuation  
30 for each of . . . . . (insert the maximum number of years allowable)  
31 consecutive years?

32 Yes . . . . .   
33 No . . . . .

34 Each voter shall indicate either "Yes" or "No" on his or her ballot  
35 in accordance with the procedures established under this title.

36 (2) The ballot proposition authorizing a taxing district to impose

1 a permanent regular tax levy under RCW 84.52.069 shall contain the  
2 following:

3 "Shall the . . . . . (insert the name of the taxing district) be  
4 authorized to impose a PERMANENT regular property levy of . . . . .  
5 (insert the maximum rate) or less per thousand dollars of assessed  
6 valuation?

7 Yes . . . . .

8 No . . . . .

9 (3) In addition to the requirements of subsections (1) and (2) of  
10 this section, the ballot proposition must include a comparison of the  
11 aggregate financial impact between the taxing district's levy, if any,  
12 in the immediately preceding year and the current ballot, in both  
13 dollar and percentage change terms.

14 **Sec. 3.** RCW 84.52.054 and 2007 c 54 s 27 are each amended to read  
15 as follows:

16 The additional tax provided for in Article VII, section 2 of the  
17 state Constitution, and specifically authorized by RCW 84.52.052,  
18 84.52.053, 84.52.0531, and 84.52.130, shall be set forth in terms of  
19 dollars on the ballot of the proposition to be submitted to the voters,  
20 together with an estimate of the dollar rate of tax levy that will be  
21 required to produce the dollar amount(~~+~~and)). The ballot proposition  
22 must include a comparison of the aggregate financial impact between the  
23 levy, if any, in the immediately preceding year and the current ballot,  
24 in both dollar and percentage change terms. The estimated levy rate  
25 must be described as advisory only. The county assessor, in spreading  
26 this tax upon the rolls, shall determine the eventual dollar rate  
27 required to produce the amount of dollars so voted upon, regardless of  
28 the estimate of dollar rate of tax levy carried in said proposition.  
29 In the case of a school district or fire protection district  
30 proposition for a particular period, the dollar amount and the  
31 corresponding estimate of the dollar rate of tax levy shall be set  
32 forth for each of the years in that period. The dollar amount for each  
33 annual levy in the particular period may be equal or in different  
34 amounts.

35 **Sec. 4.** RCW 84.55.050 and 2008 c 319 s 1 are each amended to read  
36 as follows:

1 (1) Subject to any otherwise applicable statutory dollar rate  
2 limitations, regular property taxes may be levied by or for a taxing  
3 district in an amount exceeding the limitations provided for in this  
4 chapter if such levy is authorized by a proposition approved by a  
5 majority of the voters of the taxing district voting on the proposition  
6 at a general election held within the district or at a special election  
7 within the taxing district called by the district for the purpose of  
8 submitting such proposition to the voters. Any election held pursuant  
9 to this section shall be held not more than twelve months prior to the  
10 date on which the proposed levy is to be made, except as provided in  
11 subsection (2) of this section. The ballot of the proposition shall  
12 state the dollar rate proposed and shall clearly state the conditions,  
13 if any, which are applicable under subsection (4) of this section and  
14 must conform with the requirements of RCW 29A.36.071.

15 (2) Subject to statutory dollar limitations, a proposition placed  
16 before the voters under this section may authorize annual increases in  
17 levies for multiple consecutive years, up to six consecutive years,  
18 during which period each year's authorized maximum legal levy shall be  
19 used as the base upon which an increased levy limit for the succeeding  
20 year is computed, but the ballot proposition must conform with the  
21 requirements of RCW 29A.36.071 and must state the dollar rate proposed  
22 only for the first year of the consecutive years and must state the  
23 limit factor, or a specified index to be used for determining a limit  
24 factor, such as the consumer price index, which need not be the same  
25 for all years, by which the regular tax levy for the district may be  
26 increased in each of the subsequent consecutive years. Elections for  
27 this purpose must be held at a primary or general election. The title  
28 of each ballot measure must state the limited purposes for which the  
29 proposed annual increases during the specified period of up to six  
30 consecutive years shall be used, and funds raised under the levy shall  
31 not supplant existing funds used for these purposes. For purposes of  
32 this subsection, existing funds means the actual operating expenditures  
33 for the calendar year in which the ballot measure is approved by  
34 voters. Actual operating expenditures excludes lost federal funds,  
35 lost or expired state grants or loans, extraordinary events not likely  
36 to reoccur, changes in contract provisions beyond the control of the  
37 taxing district receiving the services, and major nonrecurring capital  
38 expenditures.

1 (3) After a levy authorized pursuant to this section is made, the  
2 dollar amount of such levy may not be used for the purpose of computing  
3 the limitations for subsequent levies provided for in this chapter,  
4 unless the ballot proposition expressly states that the levy made under  
5 this section will be used for this purpose.

6 (4) If expressly stated, a proposition placed before the voters  
7 under subsection (1) or (2) of this section may:

8 (a) Use the dollar amount of a levy under subsection (1) of this  
9 section, or the dollar amount of the final levy under subsection (2) of  
10 this section, for the purpose of computing the limitations for  
11 subsequent levies provided for in this chapter;

12 (b) Limit the period for which the increased levy is to be made  
13 under (a) of this subsection;

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

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

20 (e) Include any combination of the conditions in this subsection.

21 (5) Except as otherwise expressly stated in an approved ballot  
22 measure under this section, subsequent levies shall be computed as if:

23 (a) The proposition under this section had not been approved; and

24 (b) The taxing district had made levies at the maximum rates which  
25 would otherwise have been allowed under this chapter during the years  
26 levies were made under the proposition.

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