
HOUSE BILL 1017

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Ferguson, Haugen, Horn, Roland, Cole, Wood, Zellinsky, D. Sommers, Nealey, Nelson, Mitchell, Fraser and May.

Read first time January 14, 1991. Referred to Committee on Local Government.

1 AN ACT Relating to provision of a process to alter local
2 governments; amending RCW 29.30.101; adding a new chapter to Title 36
3 RCW; adding new sections to chapter 43.63A RCW; adding a new section to
4 chapter 46.68 RCW; adding a new section to chapter 66.08 RCW; adding
5 new sections to chapter 82.14 RCW; adding a new section to chapter
6 82.44 RCW; and providing a contingent effective date.

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

8 NEW SECTION. **Sec. 1.** The purpose of this act is to partially
9 implement the provisions of Article XI, section ... (HJR ___), of the
10 Washington state Constitution, by establishing a citizens' review
11 process and incentives by which proposals to alter local governments
12 can be developed and presented to voters for their approval or
13 rejection. The citizens' review process is in addition to other
14 processes included in the state Constitution and statutes for

1 considering alterations of local governments, alterations of county
2 governments, or alterations of city governments, including but not
3 limited to those processes contained in Article XI, sections 4, 10, and
4 16 of the state Constitution.

5 NEW SECTION. **Sec. 2.** Unless the context clearly requires
6 otherwise, the definitions in this section apply throughout this
7 chapter.

8 (1) "City" means a city or town, including a city operating under
9 Title 35A RCW.

10 (2) "Citizens' review process" means the process to alter local
11 governments established by this chapter.

12 (3) "Department" means the department of community development.

13 (4) "Local government" means a county, city, or special district.

14 (5) "Special district" means a municipal or quasi-municipal
15 corporation in the state, other than a county, city, or school
16 district.

17 (6) "Temporary citizens' review committee" or "temporary committee"
18 means a temporary committee created pursuant to this chapter in a
19 county, or multicounty area, to review local governments and make
20 proposals as it finds appropriate to alter local governments that are
21 submitted to the voters for their approval or rejection.

22 NEW SECTION. **Sec. 3.** The citizens' review process shall be
23 initiated in any county whenever:

24 (1) A petition is presented to the county legislative authority of
25 the county calling for the creation of a temporary citizens' review
26 committee, which petition has been signed by county voters equal in
27 number to at least ten percent of the number of county voters who voted
28 at the last general election in the county; or

1 (2) A resolution is adopted by the county legislative authority of
2 the county calling for the creation of the temporary committee.

3 The county legislative authority shall call special elections to
4 nominate and elect persons to the directly elected positions on a
5 temporary citizens' review committee whenever the citizens' review
6 process has been initiated, with the election to nominate two persons
7 for each position being held at the next primary election occurring
8 sixty or more days after such a valid petition with sufficient
9 signatures was filed or such a resolution was adopted, and the election
10 to elect one of the nominees for each position being held at the next
11 following general election.

12 NEW SECTION. **Sec. 4.** A ballot proposition authorizing the
13 initiation of the citizens' review process shall be submitted at the
14 primary election in 2000, and each ten years thereafter, to the voters
15 of each county that has a population of one hundred thousand or more
16 for the last preceding ten years if the citizens' review process has
17 not been invoked in the county during this last preceding ten-year
18 period.

19 At the same primary election, a special election shall be held to
20 nominate two persons for each directly elected position. The results
21 of this election for such nominations shall be null and void if the
22 ballot proposition to authorize the initiation of the citizens' review
23 process is defeated. One of the nominees for each directly elected
24 position shall be elected at the next following general election if the
25 ballot proposition to authorize the initiation of the citizens' review
26 process is approved.

27 The ballot proposition to initiate the citizens' review process
28 shall be worded substantially as follows:

1 "Shall a temporary citizens' review committee be created to
2 review local governments within (insert the name of
3 the county) and possibly submit proposals for altering local
4 governments to voters for their approval or rejection?"
5 Approval of the proposition shall be by a simple majority vote.

6 NEW SECTION. **Sec. 5.** A temporary citizens' review committee
7 shall be composed of fifteen to twenty-five voters of the county who
8 are elected directly and from five to fifteen local elected officials
9 who are appointed to act in an advisory capacity.

10 Unless specified otherwise in the petition initiating the citizens'
11 review process, the county legislative authority shall designate the
12 number of directly elected positions and whether the directly elected
13 members shall be nominated and elected from county legislative
14 authority districts, if any exist in the county, or on an at-large
15 basis throughout the county, or a combination of election from such
16 districts and on an at-large basis.

17 Unless specified otherwise in the petition initiating the citizens'
18 review process, the county legislative authority shall designate the
19 number of elected officials who are appointed to act in an advisory
20 capacity, the distribution of such officials from the county, cities,
21 and special districts, and how such officials shall be selected.

22 Each directly elected position on a temporary citizens' review
23 committee shall be numbered consecutively and each candidate for such
24 a position shall file for a numbered position.

25 Elected officials may run for directly elected temporary citizens'
26 review committee positions if otherwise qualified. A person may be a
27 candidate for both a directly elected temporary citizens' review
28 committee position and other elective office at the same election.

1 A vacancy in a directly elected position shall be filled by action
2 of the directly elected members of the temporary citizens' review
3 committee.

4 NEW SECTION. **Sec. 6.** The county legislative authority of each
5 county shall convene a meeting of the temporary citizens' review
6 committee. Only members who are elected directly to the temporary
7 citizens' review committee may vote on any matter, and the local
8 government elected officials who are appointed as members of the
9 committee to represent local governments shall act in an advisory
10 capacity only and shall not have a vote on any matter before the
11 committee.

12 A member who is elected directly to the committee shall be elected
13 as the chair of the committee for a term established by the committee.

14 An action by a temporary citizens' review committee in electing a
15 chair, adopting procedural rules, adopting a proposal that is to be
16 submitted to the voters for their approval or rejection, or disbanding
17 the committee shall be by approval of a majority of the entire directly
18 elected committee members.

19 NEW SECTION. **Sec. 7.** (1) A temporary citizens' review
20 committee may propose a ballot proposition to the voters of the county
21 or an area less than county-wide that can be answered in the
22 affirmative or negative. A proposal may be cast in the form of a
23 charter, an amendment to an existing charter, or any other specific
24 alternative or ballot proposition to which the voters can respond with
25 an affirmative or negative vote, including an affirmative or negative
26 vote on a general concept for further study or planning and later
27 formulation into a specific ballot proposition. Where appropriate,
28 voters may be offered a ballot proposition providing for the acceptance

1 or rejection of a general change, together with the making of
2 subsequent choices between two or more options implementing the general
3 change, where, if the general ballot proposition is approved, the
4 option receiving the most approval controls.

5 (2) A proposal may provide for a change in local governments
6 located within the county, including the dissolution or
7 disincorporation of a local government, the transfer of powers or
8 authorities between local governments, the transfer of revenues between
9 local governments in relationship to their obligations for providing
10 facilities and services, the consolidation of local governments, or the
11 creation of new units of local government, including any changes
12 authorized under Article XI, section 16 of the state Constitution,
13 except school districts shall not be affected by a change. However, a
14 proposal shall not affect the generation nor distribution of electrical
15 energy nor maritime shipping activities. Such transfers of revenue may
16 include, but are not limited to: (a) Tax-base sharing; (b)
17 reallocating the distribution of state collected tax receipts that are
18 distributed to the county and cities within the county pursuant to RCW
19 46.68.100 through 46.68.124, 66.08.200, 66.08.210, and 82.44.150; (c)
20 reallocating the sales tax equalization receipts provided for in RCW
21 82.14.200 and 82.14.210 for which the county and cities within the
22 county are eligible; (d) altering or eliminating the percentage of a
23 city's sales and use tax receipts that are distributed to the county
24 pursuant to RCW 82.14.030(2); and (e) altering the rate of a city's
25 sales and use taxes that are imposed under RCW 82.14.030(1), not to
26 exceed a rate of five-tenths of one percent.

27 (3) A proposal for voter action shall be forwarded to the county
28 legislative authority at least one hundred twenty days before the
29 general election at which it will be submitted to the voters. The
30 county legislative authority shall cause the proposal or proposals to

1 be placed upon the ballot at this general election to be submitted
2 county-wide, or in a less than county-wide area if specified by the
3 temporary citizens' review committee. A temporary citizens' review
4 committee may specify that a proposal be submitted to the voters of a
5 less than county-wide area only where all of the territory included
6 within the boundaries of each local government, that would be affected
7 directly by the proposal, if approved, is included in the less than
8 county-wide area.

9 (4) Approval of a proposed change shall be by a simple majority of
10 the voters in the entire area to which the proposal is submitted who
11 vote on the proposal. However, a portion of a proposal that provides
12 for the dissolution or disincorporation of a local government shall not
13 be effective even with this simple majority approval if the vote of the
14 voters who vote on the proposition, and who reside in the geographic
15 area encompassing the boundaries of the local government or governments
16 proposed to be dissolved or disincorporated, disapprove of the proposal
17 by a sixty percent or larger margin.

18 NEW SECTION. **Sec. 8.** A temporary citizens' review committee
19 is not required to make proposed changes to local governments within
20 the county.

21 The county legislative authority of the county for which a
22 temporary citizens' review committee has been elected may adopt a
23 resolution declaring the citizens' review process to be concluded and
24 disband the temporary citizens' review committee whenever citizen
25 members who are elected directly to the temporary citizens' review
26 committee have been elected to those positions for three hundred sixty-
27 five or more days without forwarding a proposal to the county
28 legislative authority. A temporary citizens' review committee shall
29 not remain in existence for longer than seven hundred thirty days after

1 the citizen members who are elected directly to the committee have been
2 elected to those positions, and shall be disbanded at that time.

3 NEW SECTION. **Sec. 9.** The temporary citizens' review
4 committees of two or more adjacently located counties may join
5 together, under jointly established terms, and establish a multicounty
6 temporary citizens' review committee from among all or part of the
7 citizen members who are elected directly to the committees of each
8 county, and all or part of the local government elected officials who
9 serve in an advisory capacity on the committees of each county, to
10 consider possible changes for local governments within all or part of
11 the multicounty area for a specified purpose or purposes.

12 A multicounty temporary citizens' review committee shall function
13 in the same manner as a single county temporary citizens' review
14 committee, except that: (1) A proposal must be approved by each of the
15 county temporary citizens' review committees before it is submitted to
16 the county legislative authorities of the counties for submission to
17 the voters of all the included counties or portions of the included
18 counties, as specified by the multicounty temporary citizens' review
19 committee; and (2) the county legislative authority of a county that is
20 included within a multicounty temporary citizens' review committee can
21 provide for the dissolution of a multicounty temporary citizens' review
22 committee under the conditions provided for in section 8 of this act.

23 NEW SECTION. **Sec. 10.** Documents related to a proposed
24 alteration of local governments, that have been approved by the voters,
25 shall be submitted to the department.

26 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.63A
27 RCW to read as follows:

1 The department shall develop and make available to temporary
2 citizens' review committees created by chapter 36.-- RCW (sections 1
3 through 10 of this act) a variety of model charters and other designs
4 for accomplishing particular structural changes, including but not
5 limited to full-service county structures, city-county consolidations,
6 multiple city consolidations, regional councils, multipurpose special
7 districts, and consolidations of special districts.

8 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.63A
9 RCW to read as follows:

10 The department shall make grants from the moneys appropriated for
11 such purpose to each county to assist in financing the costs of
12 temporary citizens' review committees. The department shall make rules
13 governing the award of such grants pursuant to chapter 34.05 RCW.

14 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.63A
15 RCW to read as follows:

16 The department may undertake one or more demonstration projects
17 with cities, counties, and special districts to carry out the purposes
18 of chapter 36.-- RCW (sections 1 through 10 of this act). If one or
19 more demonstration projects are to be undertaken, preference shall be
20 given based upon the percentage of local government matching
21 contributions on a per capita basis.

22 NEW SECTION. **Sec. 14.** A new section is added to chapter 46.68 RCW
23 to read as follows:

24 Any funds that are distributed to counties, cities, or towns
25 pursuant to this chapter may be transferred by the recipient county,
26 city, or town to another unit of local government if such a transfer is

1 made as the result of a proposal approved by the voters under chapter
2 36.-- RCW (sections 1 through 10 of this act).

3 NEW SECTION. **Sec. 15.** A new section is added to chapter 66.08 RCW
4 to read as follows:

5 Any funds that are distributed to counties, cities, or towns
6 pursuant to this chapter may be transferred by the recipient county,
7 city, or town to another unit of local government if such a transfer is
8 made as the result of a proposal approved by the voters under chapter
9 36.-- RCW (sections 1 through 10 of this act).

10 NEW SECTION. **Sec. 16.** A new section is added to chapter 82.14 RCW
11 to read as follows:

12 The sales and use tax rate imposed by a city under RCW 82.14.030(1)
13 may be altered not to exceed a rate of five-tenths of one percent of
14 the selling price, in the case of a sales tax, or value, in the case of
15 a use tax, if such an alteration is made as the result of a proposal
16 approved by the voters under chapter 36.-- RCW (sections 1 through 10
17 of this act).

18 NEW SECTION. **Sec. 17.** A new section is added to chapter 82.14 RCW
19 to read as follows:

20 The percentage of a city's sales and use tax receipts that a county
21 receives under RCW 82.14.030(2) may be altered or eliminated if such an
22 alteration or elimination is made as the result of a proposal approved
23 by the voters under chapter 36.-- RCW (sections 1 through 10 of this
24 act).

25 NEW SECTION. **Sec. 18.** A new section is added to chapter 82.14 RCW
26 to read as follows:

1 Funds that are distributed to counties or cities pursuant to RCW
2 82.14.200 or 82.14.210 may be transferred by the recipient county or
3 city to another unit of local government if such a transfer is made as
4 the result of a proposal approved by the voters under chapter 36.-- RCW
5 (sections 1 through 10 of this act).

6 NEW SECTION. **Sec. 19.** A new section is added to chapter 82.44 RCW
7 to read as follows:

8 Funds that are distributed to cities or towns pursuant to RCW
9 82.44.150 may be transferred by the recipient city or town to another
10 unit of local government if such a transfer is made as the result of a
11 proposal approved by the voters under chapter 36.-- RCW (sections 1
12 through 10 of this act).

13 **Sec. 20.** RCW 29.30.101 and 1987 c 295 s 4 are each amended to read
14 as follows:

15 The names of the persons certified as the nominees resulting from
16 a primary election by the secretary of state or the county canvassing
17 board shall be printed on the official ballot prepared for the ensuing
18 election.

19 No name of any candidate whose nomination at a primary is required
20 by law shall be placed upon the ballot unless it appears upon the
21 certificate of either (1) the secretary of state, or (2) the county
22 canvassing board, or (3) a minor party convention, or (4) of the state
23 or county central committee of a major political party to fill a
24 vacancy on its ticket occasioned by any cause on account of which it is
25 lawfully authorized so to do.

26 No person who has offered himself or herself as a candidate for the
27 nomination of one party at the primary shall have the person's name

1 printed on the ballot of the succeeding general election as the
2 candidate of another political party.

3 No candidate's name shall appear more than once upon the ballot,
4 unless the name appears once for the office of precinct committee
5 officer or a directly elected temporary citizens' review committee
6 position as provided in section 5 of this act, in which case the name
7 may appear not more than twice: PROVIDED, That any candidate who has
8 been nominated by two or more political parties may, upon a written
9 notice filed with the county auditor within three days after the
10 certification of the canvass of the primary, designate the political
11 party under whose title the person desires to have his or her name
12 placed.

13 NEW SECTION. **Sec. 21.** This act shall take effect on the same
14 date as the proposed amendment to Article XI of the state Constitution
15 takes effect authorizing the legislature to establish processes by
16 which citizens and local officials can alter their local governments,
17 if the proposed amendment is validly submitted and is approved and
18 ratified by the voters of the state at a general election held in
19 November 1991. This act shall be null and void in its entirety if this
20 proposed constitutional amendment is not so approved and ratified.

21 NEW SECTION. **Sec. 22.** Sections 1 through 10 of this act shall
22 constitute a new chapter in Title 36 RCW.