

# HOUSE BILL REPORT

## ESHB 1464

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As Amended by the Senate

**Title:** An act relating to local government.

**Brief Description:** Making laws relating to local government office vacancies more uniform.

**Sponsors:** By House Committee on Local Government (originally sponsored by Representatives Horn, H. Myers, Edmondson, Rayburn, Bray, R. Fisher, Zellinsky and Springer.)

**Brief History:**

Reported by House Committee on:  
Local Government, February 16, 1993, DPS;  
Passed House, March 13, 1993, 96-1;  
Amended by Senate.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

**Staff:** Steve Lundin (786-7127).

**Background:** Over 65 different types of special districts may be created in this state. Separate statutes exist for most of these different special districts. Many special districts are governed by a governing body composed of elected officials, while the members of some governing bodies consist of appointed officials. All special district elected officials are elected at nonpartisan elections.

Seven different types of cities and towns may be created in this state, each governed by separate statutes. Cities and towns are governed by elected councils or commissions. Some cities and towns have mayors with executive authorities who are not part of the council. Other cities or towns have a council or commission member who is nominally referred to as a mayor, but the mayor has no executive authority. The voters of a city or town are the voters who reside in the city or town. All city and town elected officials are elected at nonpartisan elections.

General election law exists for elections in special districts where property ownership is not a qualification of voting and for elections in cities and towns. However, certain provisions of city, town, or special district laws provide for election matters differing from general election law. It is most common for a city, town, or special district to conform with general election laws instead of the specific laws for the city, town, or special district that conflict with the general election law. However, in some instances, the specific election laws for a city, town, or special district are followed instead of general election law.

Fireworks permits may be issued by cities, counties, and fire protection districts.

**Summary of Bill:** Many of the specific provisions of law relating to the election procedures for cities, towns, and special districts where the franchise is not limited to property owners, are altered to conform with the practices of general election law and are made uniform.

1. Filling Vacancies.

A common procedure is established to fill vacancies on the governing bodies of cities and towns, as well as the elected governing bodies of special districts where the franchise is not limited to property owners.

The remaining members of the governing body appoint someone to fill the vacancy. If the appointment is not made within 90 days of the vacancy, the authority to make the appointment reverts to the county legislative authority of the county in which all or the largest geographic portion of the local government is located. If the county legislative authority fails to make the appointment within 180 days of the vacancy, the county or remaining members of the local governmental governing body may request the governor to make the appointment.

Where less than two members of the governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the government is located appoints either one or two persons to bring the governing body up to two persons.

2. Occurrence of a vacancy.

General provisions of law detailing when a vacancy occurs in an elected office are cited in the specific laws for cities, towns, and special districts where the franchise is not limited to property owners.

3. Wards or commissioner districts.

The use of wards, council districts, or commissioner districts is standardized for nonpartisan local governmental governing bodies, other than school districts, that are permitted to use wards, council districts, or commissioner districts.

Wards, council districts, or commissioner districts would be used for: (1) Residency purposes where a candidate for the position would have to reside in the ward or district; and (2) nomination purposes where only voters residing in a ward or district vote at a primary election to nominate candidates for the position.

Wards, council districts, or commissioner districts are not to be used at the general election and the voters throughout the entire local government would vote on an at-large basis to elect each member of the governing body at the general election. However, a city may continue using wards to limit voters at general elections who elect councilmembers if these restrictions existed prior to January 1, 1993.

4. Filing requirements.

The fee to file for an office that has a fixed annual salary of \$1,000 or less is raised from \$10 to \$20.

The requirement is deleted that the filing fees for a city or town elected office are transferred by the county auditor to the city or town.

The requirements are eliminated that filings for the office of public utility district (PUD) commissioner, airport district commissioner, the initial sewer district commissioners, and the initial water district commissioners be accompanied by a petition signed by a certain number of district voters.

5. Ferry districts.

Statutes relating to ferry districts are repealed.

6. Fireworks permits.

The authority of fire protection districts to issue fireworks permits is eliminated. Towns are authorized to issue fireworks permits.

**EFFECT OF SENATE AMENDMENT(S):** The Senate striking amendment retains all the matters included in the engrossed substitute bill and adds the following:

**1. Extension of filing period.**

The period for filing candidacies for nonpartisan, nonjudicial offices is extended by one week if only one or no one files during the regular filing period.

**2. City council wards.**

A code city that is divided into wards may adjust the terms of office of councilmembers elected from a ward so that their terms are staggered rather than having two persons from the ward with the same terms of office.

**3. Community councils.**

Community councils could be created in the unincorporated area of a county with a population of 1 million.

**4. Revenue bonds issued for pollution abatement purposes.**

Laws authorizing revenue bonds to be issued to finance pollution abatement equipment are amended to conform with a court decision.

**5. Property tax changes.**

For purposes of establishing boundaries to impose property taxes, the boundaries of a new water district that was incorporated at a special election held in March shall be established as of the first day in June following the March election.

Counties are allowed to make correcting tax levies to compensate for errors or changes in value in the tax rolls that occurred in the preceding year but were not included in the tax rolls at that time.

The senior citizen property tax exemption on their residences is extended so that a senior retains the exemption if the residence is rented to pay for the senior's nursing home or hospital costs.

A city that is located in two counties, where only one of the counties imposes the voter approved property tax for emergency medical services, may create an urban emergency medical services district in the portion of the city that is located in the other county. Voters of the urban emergency medical services district may approve property taxes to fund emergency medical services.

**6. PUD powers.**

PUD's are given all of the powers of a water district in chapter 57.08 RCW that are not inconsistent with PUD laws. This grants a PUD the authority to fluoridate its water systems, provide street lighting systems, and use its property for park and recreation purposes.

**7. Port district changes.**

A less than countywide port district could stop using commissioner districts.

The petition proposing the creation of a less than countywide port district could provide for a board of commissioners consisting of either three or five members and either provide or not provide for the use of commissioner districts to elect commissioners.

A less than countywide port district could be formed in a county other than one that borders on a body of saltwater.

The election that is used to determine the required percentage of signatures on a petition to reduce the terms of office of port commissioners from six to four years is the last general election instead of the last district general election. The ballot proposition to reduce the terms of office of port commissioners is submitted at the next general or special election that occurs 60 or more days after the submission of the petition or adoption of the resolution causing the ballot proposition to be submitted.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This is a technical bill conforming the election laws of cities and special districts with general election law and practice. The uniform vacancy procedure ensures vacancies will be filled.

**Testimony Against:** None.

**Witnesses:** (Pro): Stan Finkelstein, Association of Washington Cities.

**VOTE ON FINAL PASSAGE:**

Yeas 96; Nays 1; Excused 1

Nays: Representative Heavey

Excused: Representative Leonard