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SENATE BILL 5057

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State of Washington

54th Legislature

1995 Regular Session

By Senators Haugen, Winsley and Fraser

Read first time 01/09/95. Referred to Committee on Government Operations.

1 AN ACT Relating to creating a county optional code study  
2 commission; creating new sections; and making an appropriation.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the state created  
5 counties as the only political and administrative subdivisions of  
6 itself. The legislature further finds that counties were the first  
7 form of government in the new Washington territory. The legislature  
8 further finds that counties were needed because they were the local  
9 unit through which nearly all of the official business of the new  
10 territory was accomplished. Counties were integral to owning and  
11 selling land, building roads, recording births and deaths, property  
12 transfers, and all forms of law enforcement.

13 Since these eighteenth century beginnings, counties have become  
14 part of the very fabric of state government and now provide an  
15 expanding array of services, which include human services, public  
16 health, public safety, criminal justice, courts, public works, parks  
17 and recreation, and elections. Many of these services are part of a  
18 system that always includes the state of Washington and, oftentimes,  
19 the cities and other forms of local government.

1 The legislature finds that many of the laws governing counties,  
2 especially in Title 36 RCW, were first enacted almost a century and  
3 one-half ago and reflect ideas of their time. The legislature further  
4 finds that Washington state was a rural, agrarian society at the time.  
5 The legislature further finds that urban development has occurred not  
6 only within cities, but around cities and in clusters remote from any  
7 city, and that, in 1995, nearly one-half of the state's population  
8 lives in unincorporated, but largely urbanized areas.

9 The legislature finds that only five counties are operating under  
10 a "home rule" charter, written by freeholders under the provisions of  
11 Article XI, section 4 of the state Constitution. The legislature  
12 further finds that no county has implemented a "home rule" charter,  
13 drafted by freeholders under the provisions of Article XI, section 16  
14 of the state Constitution, to provide for the formation and government  
15 of a combined city-county municipal corporation. The legislature  
16 further finds that the citizens of this state have twice rejected  
17 constitutional amendments for the creation of a temporary county home  
18 rule commission to draft five alternative county home rule charters any  
19 of which could be submitted at an election to the voters of any county.  
20 The legislature further finds that with the enactment of the optional  
21 municipal code in 1967, Title 35A RCW, the state's cities have been  
22 extended broad powers of self-government with a choice of modern and  
23 efficient governance structures and procedures. More than one-half of  
24 Washington's cities have adopted the optional municipal code.

25 Therefore, the legislature finds that there is a state interest in  
26 the efficient and effective governance and administration of the  
27 counties of this state and that there is a need to examine such  
28 governance and administration. The legislature further finds that  
29 there is a need to examine county statutes to determine if an optional  
30 set of statutory provisions would better serve the needs of county  
31 officials and the citizens of this state.

32 NEW SECTION. **Sec. 2.** (1) There is hereby created a county  
33 optional code study commission with the following membership:

34 (a) Fifteen voting members appointed by the governor with four of  
35 the members to be members of the legislature and six of the members to  
36 be elected county officials.

37 (b) Two members serving in an ex officio nonvoting capacity:

1 (i) The executive director of the Washington state association of  
2 counties; and

3 (ii) The executive director of the Washington association of county  
4 officials.

5 (c) A citizen knowledgeable about county government appointed by  
6 the governor, who shall serve as chair of the commission.

7 (2) Commission members shall serve without pay, at the pleasure of  
8 the governor. Nonlegislative members shall be paid travel expenses  
9 incurred in their travel to and from meetings of the commission and  
10 while attending all meetings of the commission in accordance with RCW  
11 43.03.050 and 43.03.060. Legislative members shall be paid travel  
12 expenses incurred in their travel to and from meetings of the  
13 commission and while attending all meetings of the commission in  
14 accordance with RCW 44.04.120.

15 (3) The commission shall:

16 (a) Develop recommended policy, statutory, and constitutional  
17 changes to allow counties to be better governed and administered, and  
18 to allow for a more efficient delivery of services. Areas of inquiry  
19 should include, but not be limited to: Separation of policy and  
20 administration; intergovernmental relations, improved ability to  
21 provide regional and local services separately or in conjunction with  
22 other governmental levels; appointed county manager or elected  
23 executive; number of legislative body members; at-large or district  
24 elections; number of elected officials; partisan or nonpartisan  
25 elections; timing of elections; modernization of statutes affecting all  
26 county elected officials; and the right of initiative and referendum;  
27 and

28 (b) Submit to the governor and the legislature a report containing  
29 the commission's findings, conclusions, and recommendations by December  
30 1, 1996.

31 (4) This section shall expire December 31, 1996.

32 NEW SECTION. **Sec. 3.** The department of community, trade, and  
33 economic development shall provide the necessary support to the county  
34 optional code study commission to carry out the purposes of section 2  
35 of this act. The department may employ such staff as approved by the  
36 commission to carry out the purposes of section 2 of this act. The  
37 provisions of chapter 41.06 RCW do not apply to such staff.

38 This section shall expire December 31, 1996.

1        NEW SECTION.    **Sec. 4.**    The county optional code study commission  
2 account is created in the state treasury. All receipts from section 5  
3 of this act shall be deposited into the account. Moneys in the account  
4 may be spent only after appropriation. Only the director of community,  
5 trade, and economic development or the director's designee may  
6 authorize expenditures from the account and such authorization must be  
7 approved by the county optional code study commission. Expenditures  
8 from the account may be used only for conducting the study as provided  
9 in sections 1 through 3 of this act.

10        This section shall expire December 31, 1996. Moneys remaining in  
11 this account on December 31, 1996, shall revert to the county sales and  
12 use tax equalization account.

13        NEW SECTION.    **Sec. 5.**    The sum of one hundred fifty thousand  
14 dollars, or as much thereof as may be necessary, is appropriated for  
15 the biennium ending June 30, 1997, from the county sales and use tax  
16 equalization account to the county optional code study commission  
17 account for the purposes of conducting the study as provided in  
18 sections 1 through 3 of this act. The appropriation may not exceed the  
19 amount remaining in the county sales and use tax equalization account  
20 on July 1, 1995, after distributions to counties under RCW 82.14.200.

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