

ESSB 5659 - S AMD 432
By Senator Mulliken

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

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

26 (3) The retail sale of motor vehicles, and the lease of motor
27 vehicles for up to the first thirty-six months of the lease, are exempt
28 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 (6) Any city or county that receives voter approval for
11 authorization of new or increased taxes under this act must have a
12 performance audit conducted by the state auditor every five years, must
13 implement a quality management program within five years of voter
14 approval, and must conduct a yearly quality management self-assessment
15 after the initial implementation of a quality management program.

16 **Sec. 3.** RCW 36.70A.130 and 2002 c 320 s 1 are each amended to read
17 as follows:

18 (1)(a) Each comprehensive land use plan and development regulations
19 shall be subject to continuing review and evaluation by the county or
20 city that adopted them. A county or city shall take legislative action
21 to review and, if needed, revise its comprehensive land use plan and
22 development regulations to ensure the plan and regulations comply with
23 the requirements of this chapter according to the time periods
24 specified in subsection (4) of this section. A county or city not
25 planning under RCW 36.70A.040 shall take action to review and, if
26 needed, revise its policies and development regulations regarding
27 critical areas and natural resource lands adopted according to this
28 chapter to ensure these policies and regulations comply with the
29 requirements of this chapter according to the time periods specified in
30 subsection (4) of this section. Legislative action means the adoption
31 of a resolution or ordinance following notice and a public hearing
32 indicating at a minimum, a finding that a review and evaluation has
33 occurred and identifying the revisions made, or that a revision was not
34 needed and the reasons therefore. The review and evaluation required
35 by this subsection may be combined with the review required by
36 subsection (3) of this section. The review and evaluation required by

1 this subsection shall include, but is not limited to, consideration of
2 critical area ordinances and, if planning under RCW 36.70A.040, an
3 analysis of the population allocated to a city or county from the most
4 recent ten-year population forecast by the office of financial
5 management.

6 (b) Any amendment of or revision to a comprehensive land use plan
7 shall conform to this chapter. Any amendment of or revision to
8 development regulations shall be consistent with and implement the
9 comprehensive plan.

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

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

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

24 (iii) The amendment of the capital facilities element of a
25 comprehensive plan that occurs concurrently with the adoption or
26 amendment of a county or city budget.

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

35 (3) Each county that designates urban growth areas under RCW
36 36.70A.110 shall review, at least every ten years, its designated urban
37 growth area or areas, and the densities permitted within both the

1 incorporated and unincorporated portions of each urban growth area. In
2 conjunction with this review by the county, each city located within an
3 urban growth area shall review the densities permitted within its
4 boundaries, and the extent to which the urban growth occurring within
5 the county has located within each city and the unincorporated portions
6 of the urban growth areas. The county comprehensive plan designating
7 urban growth areas, and the densities permitted in the urban growth
8 areas by the comprehensive plans of the county and each city located
9 within the urban growth areas, shall be revised to accommodate the
10 urban growth projected to occur in the county for the succeeding
11 twenty-year period. The review required by this subsection may be
12 combined with the review and evaluation required by RCW 36.70A.215.

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

19 (a) On or before December 1, 2004, and every seven years
20 thereafter, for ((Clallam~~7~~)) Clark, ((Jefferson~~7~~)) King, Kitsap,
21 Pierce, Snohomish, Thurston, and Whatcom counties and the cities within
22 those counties;

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

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

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

35 (5)(a) Nothing in this section precludes a county or city from
36 conducting the review and evaluation required by this section before
37 the time limits established in subsection (4) of this section.

1 Counties and cities may begin this process early and may be eligible
2 for grants from the department, subject to available funding, if they
3 elect to do so.

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

7 (6) A county or city subject to the time periods in subsection
8 (4)(a) of this section that, pursuant to an ordinance adopted by the
9 county or city establishing a schedule for periodic review of its
10 comprehensive plan and development regulations, has conducted a review
11 and evaluation of its comprehensive plan and development regulations
12 and, on or after January 1, 2001, has taken action in response to that
13 review and evaluation shall be deemed to have conducted the first
14 review required by subsection (4)(a) of this section. Subsequent
15 review and evaluation by the county or city of its comprehensive plan
16 and development regulations shall be conducted in accordance with the
17 time periods established under subsection (4)(a) of this section.

18 (7) The requirements imposed on counties and cities under this
19 section shall be considered "requirements of this chapter" under the
20 terms of RCW 36.70A.040(1). Only those counties and cities in
21 compliance with the schedules in this section shall have the requisite
22 authority to receive grants, loans, pledges, or financial guarantees
23 from those accounts established in RCW 43.155.050 and 70.146.030. Only
24 those counties and cities in compliance with the schedules in this
25 section shall receive preference for grants or loans subject to the
26 provisions of RCW 43.17.250.

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

29 (1) Subject to any otherwise applicable statutory dollar rate
30 limitations, regular property taxes may be levied by or for a taxing
31 district in an amount exceeding the limitations provided for in this
32 chapter if such levy is authorized by a proposition approved by a
33 majority of the voters of the taxing district voting on the proposition
34 at a general election held within the district or at a special election
35 within the taxing district called by the district for the purpose of
36 submitting such proposition to the voters. Any election held pursuant

1 to this section shall be held not more than twelve months prior to the
2 date on which the proposed levy is to be made, except as provided in
3 subsection (3)(b) of this section. The ballot of the proposition shall
4 state the dollar rate proposed and shall clearly state any conditions
5 which are applicable under subsection (3) of this section.

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

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

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

12 (b) Authorize annual increases in levies for multiple consecutive
13 years, up to six consecutive years, during which period each year's
14 authorized maximum legal levy shall be used as the base upon which an
15 increased levy limit for the succeeding year is computed, but the
16 ballot proposition must state the dollar rate proposed only for the
17 first year of the consecutive years and must state the limit factor, or
18 a specified index to be used for determining a limit factor, such as
19 the consumer price index, which need not be the same for all years, by
20 which the regular tax levy for the district may be increased in each of
21 the subsequent consecutive years;

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

26 ~~((e))~~ (d) Set the levy at a rate less than the maximum rate
27 allowed for the district;

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

32 ~~((d))~~ (f) Include any combination of the conditions in this
33 subsection.

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

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

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

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

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

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

35 (2) The county legislative authority of any county that does not
36 meet either of the sets of criteria established under subsection (1) of

1 this section may adopt a resolution indicating its intention to have
2 subsection (1) of this section apply to the county. Each city, located
3 in a county that chooses to plan under this subsection, shall conform
4 with all of the requirements of this chapter. Once such a resolution
5 has been adopted, the county and the cities located within the county
6 remain subject to all of the requirements of this chapter unless the
7 county removes itself from the requirement to plan under this section
8 pursuant to subsection (3) of this section.

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

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

16 (b) To be relieved from the planning requirement of this section,
17 a county shall adopt a resolution that removes the county and the city
18 from the requirement to plan and shall file the resolution with the
19 department. Removal shall be deemed to occur on the date the
20 resolution is filed with the department.

21 (4) Any county or city that is initially required to conform with
22 all of the requirements of this chapter under subsection (1) of this
23 section and has not removed itself under subsection (3) of this section
24 shall take actions under this chapter as follows: (a) The county
25 legislative authority shall adopt a county-wide planning policy under
26 RCW 36.70A.210; (b) the county and each city located within the county
27 shall designate critical areas, agricultural lands, forest lands, and
28 mineral resource lands, and adopt development regulations conserving
29 these designated agricultural lands, forest lands, and mineral resource
30 lands and protecting these designated critical areas, under RCW
31 36.70A.170 and 36.70A.060; (c) the county shall designate and take
32 other actions related to urban growth areas under RCW 36.70A.110; (d)
33 if the county has a population of fifty thousand or more, the county
34 and each city located within the county shall adopt a comprehensive
35 plan under this chapter and development regulations that are consistent
36 with and implement the comprehensive plan on or before July 1, 1994,
37 and if the county has a population of less than fifty thousand, the

1 county and each city located within the county shall adopt a
2 comprehensive plan under this chapter and development regulations that
3 are consistent with and implement the comprehensive plan by January 1,
4 1995, but if the governor makes written findings that a county with a
5 population of less than fifty thousand or a city located within such a
6 county is not making reasonable progress toward adopting a
7 comprehensive plan and development regulations the governor may reduce
8 this deadline for such actions to be taken by no more than one hundred
9 eighty days. Any county or city subject to this subsection may obtain
10 an additional six months before it is required to have adopted its
11 development regulations by submitting a letter notifying the department
12 of community, trade, and economic development of its need prior to the
13 deadline for adopting both a comprehensive plan and development
14 regulations.

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

1 ~~((5))~~ (6) If the office of financial management certifies that
2 the population of a county that previously had not been required to
3 plan under subsection (1) or (2) of this section has changed
4 sufficiently to meet either of the sets of criteria specified under
5 subsection (1) of this section, and where applicable, the county
6 legislative authority has not adopted a resolution removing the county
7 from these requirements as provided in subsection (1) of this section,
8 the county and each city within such county shall take actions under
9 this chapter as follows: (a) The county legislative authority shall
10 adopt a county-wide planning policy under RCW 36.70A.210; (b) the
11 county and each city located within the county shall adopt development
12 regulations under RCW 36.70A.060 conserving agricultural lands, forest
13 lands, and mineral resource lands it designated within one year of the
14 certification by the office of financial management; (c) the county
15 shall designate and take other actions related to urban growth areas
16 under RCW 36.70A.110; and (d) the county and each city located within
17 the county shall adopt a comprehensive land use plan and development
18 regulations that are consistent with and implement the comprehensive
19 plan within four years of the certification by the office of financial
20 management, but a county or city may obtain an additional six months
21 before it is required to have adopted its development regulations by
22 submitting a letter notifying the department of community, trade, and
23 economic development of its need prior to the deadline for adopting
24 both a comprehensive plan and development regulations.

25 ~~((6))~~ (7) A copy of each document that is required under this
26 section shall be submitted to the department at the time of its
27 adoption.

28 ~~((7))~~ (8) Cities and counties planning under this chapter must
29 amend the transportation element of the comprehensive plan to be in
30 compliance with this chapter and chapter 47.80 RCW no later than
31 December 31, 2000.

32 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the
34 state government and its existing public institutions, and takes effect
35 July 1, 2003."

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

EFFECT: Provides that the sale or lease of a motor vehicle is exempt from the 0.3 percent local sales and use tax authorized in the bill. 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. Makes the bill effective July 1, 2003. Requires that one-third of the revenues received from the sales and use tax to be used for certain criminal justice purposes related to police, the court system, or jails or other local correctional facilities.

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