

1 **ESSB 5659** - H AMD TO H AMD (AMH2954.5)
2 By Representative _____

3 Strike everything after page 1, line 2 of the amendment and
4 insert the following:

5 NEW SECTION. Sec.1. The legislature finds that local governments in the
6 state of Washington face enormous challenges in the area of criminal justice and
7 public health. It is the legislature's intent to allow local governments to raise revenues
8 in order to better protect the health and safety of Washington state and its residents.
9 It is further the intent of the legislature to provide local governments relief from
10 regulatory burdens that do not harm the public health and safety of the citizens of the
11 state as a means of minimizing the need to generate new revenues authorized under
12 this act.

13 NEW SECTION. Sec.2. A new section is added to chapter 82.14 RCW to read
14 as follows:

15 (1) A county legislative authority may submit an authorizing proposition to the
16 county voters and, if the proposition is approved by a majority of persons voting,
17 impose a sales and use tax in accordance with the terms of this chapter. The title of
18 each ballot measure must include the purpose for which the proposed sales and use
19 tax will be used. The rate of tax under this section shall not exceed three-tenths
20 one percent of the selling price in the case of a sales tax, or value of the article used,
21 in the case of a use tax.

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

26 (3) The following are exempt from tax imposed under this section:

27 (a) The retail use of motor vehicles and the lease of motor vehicles for
28 up to the first thirty-six months of the lease and

29 (b) The retail use of candy. For the purposes of this subsection "candy"
30 means a preparation of sugar, honey, or other natural or artificial sweeteners in
31 combination with chocolate, fruits, nuts, or other ingredients, or flavorings in the form

1 of bars drops or pieces." Candy" does not include any preparation containing flour
2 or any product that requires refrigeration.

3 (4) One-third of all money received under this section shall be used solely for
4 criminal justice purposes. For the purposes of this subsection, criminal justice
5 purposes means additional police protection, mitigation of congested court systems,
6 or relief of overcrowded jails or other local correctional facilities.

7 (5) Money received under this section shall be shared between the county and
8 the cities as follows: Sixty percent shall be retained by the county and forty percent
9 shall be distributed on a per capita basis to cities in the county.

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

12 (1) (a) Each comprehensive land use plan and development regulation shall be
13 subject to continuing review and evaluation by the county or city that adopted them.
14 A county or city shall take legislative action to review and, if needed, revise its
15 comprehensive land use plan and development regulations to ensure the plan and
16 regulations comply with the requirements of this chapter according to the time periods
17 specified in subsection (4) of this section. A county or city not planning under RCW
18 36.70A.040 shall take action to review and, if needed, revise its policies and
19 development regulations regarding critical areas and natural resource lands adopted
20 according to this chapter to ensure these policies and regulations comply with the
21 requirements of this chapter according to the time periods specified in subsection (4)
22 of this section. Legislative action means the adoption of a resolution or ordinance
23 following notice and a public hearing indicating, at a minimum, a finding that a review
24 and evaluation has occurred and identifying the revisions made, or that a revision was
25 not needed and the reasons therefore. The review and evaluation required by this
26 subsection may be combined with the review required by subsection (3) of this
27 section. The review and evaluation required by this subsection shall include, but is
28 not limited to, consideration of critical area ordinances and, if planning under RCW
29 36.70A.040, an analysis of the population allocated to a city or county from the most
30 recent ten-year population forecast by the office of financial management.

31 (b) Any amendment of or revision to a comprehensive land use plan shall
32 conform to this chapter. Any amendment of or revision to development regulations
33 shall be consistent with and implement the comprehensive plan.

34 (2) (a) Each county and city shall establish and broadly disseminate to the public
35 a public participation program consistent with RCW 36.70A.035 and 36.70A.140
36 that identifies procedures and schedule whereby updates, proposed amendments, or
37 revisions of the comprehensive plan are considered by the governing body of the
38 county or city no more frequently than once every year. "Updates" means to review

1 and revised, if needed, according to subsection (1) of this section, and the time periods
2 specified in subsection (4) of this section. Amendments may be considered more
3 frequently than once per year under the following circumstances:

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

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

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

10 (b) Except as otherwise provided in (a) of this subsection, a proposal shall be
11 considered by the governing body concurrently by the cumulative effect of the various
12 proposals can be ascertained. However, after appropriate public participation, a county
13 or city may adopt amendments or revisions to its comprehensive plan that conform
14 with this chapter whenever an emergency exists or to resolve an appeal of a
15 comprehensive plan filed with a growth management hearing board or with the court.

16 (3) Each county that designates urban growth areas under RCW 36.70A.110
17 shall review at least every ten years its designated urban growth areas and
18 the densities permitted within both the incorporated and unincorporated portions of
19 each urban growth area. In conjunction with this review by the county, each city
20 located within an urban growth area shall review the densities permitted within its
21 boundaries and the extent to which the urban growth occurring within the county has
22 located within each city and the unincorporated portions of the urban growth areas.
23 The county comprehensive plan designating urban growth areas and the densities
24 permitted in the urban growth areas by the comprehensive plans of the county and
25 each city located within the urban growth areas shall be revised to accommodate the
26 urban growth projected to occur in the county for the succeeding twenty-year period.
27 The review required by this subsection may be combined with the review and
28 evaluation required by RCW 36.70A.215.

29 (4) The departments shall establish a schedule for counties and cities to take
30 action to review and, if needed, revise their comprehensive plans and development
31 regulations to ensure the plan and regulations comply with the requirements of this
32 chapter. The schedule established by the departments shall provide for the reviews
33 and evaluations to be completed as follows:

34 (a) On or before December 1, 2004, and every seven years thereafter for
35 (Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston and
36 Whatcom counties and the cities within those counties;

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

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

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

8 (5) (a) Nothing in this section precludes a county or city from conducting the
9 review and evaluation required by this section before the time limits established in
10 subsection (4) of this section. Counties and cities may begin this process early and
11 may be eligible for grants from the department, subject to available funding, if they
12 elect to do so.

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

16 (6) A county or city subject to the time periods in subsection (4) (a) of this
17 section that pursuant to an ordinance adopted by the county or city establishing a
18 schedule for periodic review of its comprehensive plan and development regulations,
19 has conducted a review and evaluation of its comprehensive plan and development
20 regulations and, on or after January 1, 2001, has taken action in response to that
21 review and evaluation shall be deemed to have conducted the first review required by
22 subsection (4) (a) of this section. Subsequent review and evaluation by the county or
23 city of its comprehensive plan and development regulations shall be conducted in
24 accordance with the time periods established under subsection (4) (a) of this section.

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

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

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

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

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

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

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

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

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

24 ((c) (d)) Set the levy at a rate less than the maximum rate allowed for the
25 district;

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

29 ((d) (f)) Include any combination of the conditions in this subsection.

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

33 (a) The limited proposition under subsection (3) of this section had not been
34 approved and

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

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

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

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

26 (2) The county legislative authority of any county that does not meet either of
27 the sets of criteria established under subsection (1) of this section may adopt a
28 resolution indicating its intention to have subsection (1) of this section apply to the
29 county. Each city located in a county that chooses to plan under this subsection,
30 shall conform with all of the requirements of this chapter. Once such a resolution has
31 been adopted, the county and the cities located within the county remain subject to
32 all of the requirements of this chapter unless the county removes itself from the
33 requirement to plan under this section pursuant to subsection (3) of this section.

34 (3) ~~(a)~~ The counties of Columbia, Ferry, Pacific, Jefferson, San Juan, Clallam,
35 Franklin, Whatcom, and Walla Walla and the cities located within the counties may
36 be relieved from the requirement to plan under this section subject to meeting the
37 requirements in subsection (b).

38 (b) To be relieved from the planning requirement of this section, a county shall
39 adopt a resolution that removes the county and the city from the requirement to plan

1 ~~and shall file the resolution with the department. Removal shall be deemed to occur~~
2 ~~on the date the resolution is filed with the department.~~

3 (4) Any county or city that is initially required to conform with all of the
4 requirements of this chapter under subsection (1) of this section and has not removed
5 itself under subsection (3) of this section shall take actions under this chapter as
6 follows: (a) The county legislative authority shall adopt a county-wide planning policy
7 under RCW 36.70A.210; (b) the county and each city located within the county shall
8 designate critical areas, agricultural lands, forestlands, and mineral resource lands,
9 and adopt development regulations conserving these designated agricultural lands,
10 forestlands, and mineral resource lands and protecting these designated critical areas,
11 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take
12 other actions related to urban growth areas under RCW 36.70A.110; (d) if the county
13 has a population of fifty thousand or more, the county and each city located within
14 the county shall adopt a comprehensive plan under this chapter and development
15 regulations that are consistent with and implement the comprehensive plan on or
16 before July 1, 1994, and if the county has a population of less than fifty thousand,
17 the county and each city located within the county shall adopt a comprehensive plan
18 under this chapter and development regulations that are consistent with and
19 implement the comprehensive plan by January 1, 1995, but if the governor makes
20 written findings that a county with a population of less than fifty thousand or a city
21 located within such a county is not making reasonable progress toward adopting a
22 comprehensive plan and development regulations, the governor may reduce this
23 deadline for such actions to be taken by no more than one hundred eighty days. Any
24 county or city subject to this subsection may obtain an additional month before
25 it is required to have adopted its development regulations by submitting a letter
26 notifying the department of community, trade and economic development of its need
27 prior to the deadline for adopting both a comprehensive plan and development
28 regulations.

29 ((4)) (5) Any county or city that is required to conform with all the requirements
30 of this chapter as a result of the county legislative authority adopting its resolution
31 of intention under subsection (2) of this section and the county has not removed itself
32 pursuant to subsection (3) of this section shall take actions under this chapter as
33 follows: (a) The county legislative authority shall adopt a countywide planning policy
34 under RCW 36.70A.210; (b) the county and each city that is located within the
35 county shall adopt development regulations conserving agricultural lands, forestlands,
36 and mineral resource lands and designated under RCW 36.70A.060 within one year of
37 the date the county legislative authority adopts its resolution of intention; (c) the
38 county shall designate and take other actions related to urban growth areas under
39 RCW 36.70A.110; and (d) the county and each city that is located within the county

1 shall adopt a comprehensive plan and development regulations that are consistent
2 with and implement the comprehensive plan not later than four years from the date
3 the county legislative authority adopts its resolution of intention, but a county or city
4 may obtain an additional six months before it is required to have adopted its
5 development regulations by submitting a letter notifying the department of
6 community, trade and economic development of its need prior to the deadline for
7 adopting both a comprehensive plan and development regulations.

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

28 ((+6) (7)) A copy of each document that is required under this section shall be
29 submitted to the department at the time of its adoption.

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

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

36 Correct the title.

1 EFFECT: Provides that the sale, use or lease of a motor vehicle is exempt from
2 the 0.3 percent county sales and use tax authorized in the bill. Exempts candy from the
3 county sales and use tax. Allows Columbia, Pacific, Jefferson, San Juan, Clallam,
4 Franklin, Whatcom, and Walla Walla counties (in addition to Ferry County) to opt out
5 of growth management planning requirements. Makes the bill effective July 1, 2003.
6 Requires that one-third of the revenues received from the sales and use tax to be used
7 for certain criminal justice purposes related to police, the court system, or jails or other
8 local correctional facilities.