
SENATE BILL 5098

State of Washington 61st Legislature 2009 Regular Session

By Senators Pridemore, Tom, Kilmer, Hatfield, Shin, Hobbs, and Oemig

Read first time 01/13/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to ballot title information; and amending RCW
2 29A.36.071, 29A.36.210, 84.52.054, and 84.55.050.

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

4 **Sec. 1.** RCW 29A.36.071 and 2006 c 311 s 9 are each amended to read
5 as follows:

6 (1) Except as provided to the contrary in RCW 82.14.036, 82.46.021,
7 or 82.80.090, the ballot title of any referendum filed on an enactment
8 or portion of an enactment of a local government and any other question
9 submitted to the voters of a local government consists of three
10 elements: (a) An identification of the enacting legislative body and
11 a statement of the subject matter; (b) a concise description of the
12 measure; and (c) a question. If the referendum or question relates to
13 a property tax levy, the ballot title must include a comparison of the
14 aggregate financial impact between the taxing district's levy, if any,
15 in the immediately preceding year and the current ballot, in both
16 dollar and percentage change terms. Ballot questions under RCW
17 84.55.050 must include an estimate of the financial impact in the first
18 year of the levy increase as compared to the taxing district's last
19 levy, in both dollar and percentage terms. For all ballot titles

1 relating to a property tax levy, with the exception of specific levy
2 rate questions posed under RCW 84.55.050, any indicated levy rate must
3 be described as advisory only. The ballot title must conform with the
4 requirements and be displayed substantially as provided under RCW
5 29A.72.050, except that the concise description must not exceed
6 ((~~seventy-five~~)) one hundred words; however, a concise description
7 submitted on behalf of a proposed or existing regional transportation
8 investment district may exceed ((~~seventy-five~~)) one hundred words. If
9 the local governmental unit is a city or a town, the concise statement
10 shall be prepared by the city or town attorney. If the local
11 governmental unit is a county, the concise statement shall be prepared
12 by the prosecuting attorney of the county. If the unit is a unit of
13 local government other than a city, town, or county, the concise
14 statement shall be prepared by the prosecuting attorney of the county
15 within which the majority area of the unit is located.

16 (2) A referendum measure on the enactment of a unit of local
17 government shall be advertised in the manner provided for nominees for
18 elective office.

19 (3) Subsection (1) of this section does not apply if another
20 provision of law specifies the ballot title for a specific type of
21 ballot question or proposition.

22 **Sec. 2.** RCW 29A.36.210 and 2004 c 80 s 2 are each amended to read
23 as follows:

24 (1) The ballot proposition authorizing a taxing district to impose
25 the regular property tax levies authorized in RCW 36.69.145, 67.38.130,
26 84.52.069, or 84.52.135 shall contain in substance the following:

27 "Shall the (insert the name of the taxing district) be
28 authorized to impose regular property tax levies of (insert
29 the maximum rate) or less per thousand dollars of assessed valuation
30 for each of (insert the maximum number of years allowable)
31 consecutive years?

32 Yes
33 No

34 Each voter shall indicate either "Yes" or "No" on his or her ballot
35 in accordance with the procedures established under this title.

36 (2) The ballot proposition authorizing a taxing district to impose

1 a permanent regular tax levy under RCW 84.52.069 shall contain the
2 following:

3 "Shall the (insert the name of the taxing district) be
4 authorized to impose a PERMANENT regular property levy of
5 (insert the maximum rate) or less per thousand dollars of assessed
6 valuation?

7 Yes

8 No

9 (3) In addition to the requirements of subsections (1) and (2) of
10 this section, the ballot proposition must include a comparison of the
11 aggregate financial impact between the taxing district's levy, if any,
12 in the immediately preceding year and the current ballot, in both
13 dollar and percentage change terms.

14 **Sec. 3.** RCW 84.52.054 and 2007 c 54 s 27 are each amended to read
15 as follows:

16 The additional tax provided for in Article VII, section 2 of the
17 state Constitution, and specifically authorized by RCW 84.52.052,
18 84.52.053, 84.52.0531, and 84.52.130, shall be set forth in terms of
19 dollars on the ballot of the proposition to be submitted to the voters,
20 together with an estimate of the dollar rate of tax levy that will be
21 required to produce the dollar amount(~~+~~and)). The ballot proposition
22 must include a comparison of the aggregate financial impact between the
23 levy, if any, in the immediately preceding year and the current ballot,
24 in both dollar and percentage change terms. The estimated levy rate
25 must be described as advisory only. The county assessor, in spreading
26 this tax upon the rolls, shall determine the eventual dollar rate
27 required to produce the amount of dollars so voted upon, regardless of
28 the estimate of dollar rate of tax levy carried in said proposition.
29 In the case of a school district or fire protection district
30 proposition for a particular period, the dollar amount and the
31 corresponding estimate of the dollar rate of tax levy shall be set
32 forth for each of the years in that period. The dollar amount for each
33 annual levy in the particular period may be equal or in different
34 amounts.

35 **Sec. 4.** RCW 84.55.050 and 2008 c 319 s 1 are each amended to read
36 as follows:

1 (1) Subject to any otherwise applicable statutory dollar rate
2 limitations, regular property taxes may be levied by or for a taxing
3 district in an amount exceeding the limitations provided for in this
4 chapter if such levy is authorized by a proposition approved by a
5 majority of the voters of the taxing district voting on the proposition
6 at a general election held within the district or at a special election
7 within the taxing district called by the district for the purpose of
8 submitting such proposition to the voters. Any election held pursuant
9 to this section shall be held not more than twelve months prior to the
10 date on which the proposed levy is to be made, except as provided in
11 subsection (2) of this section. The ballot of the proposition shall
12 state the dollar rate proposed and shall clearly state the conditions,
13 if any, which are applicable under subsection (4) of this section and
14 must conform with the requirements of RCW 29A.36.071.

15 (2) Subject to statutory dollar limitations, a proposition placed
16 before the voters under this section may authorize annual increases in
17 levies for multiple consecutive years, up to six consecutive years,
18 during which period each year's authorized maximum legal levy shall be
19 used as the base upon which an increased levy limit for the succeeding
20 year is computed, but the ballot proposition must conform with the
21 requirements of RCW 29A.36.071 and must state the dollar rate proposed
22 only for the first year of the consecutive years and must state the
23 limit factor, or a specified index to be used for determining a limit
24 factor, such as the consumer price index, which need not be the same
25 for all years, by which the regular tax levy for the district may be
26 increased in each of the subsequent consecutive years. Elections for
27 this purpose must be held at a primary or general election. The title
28 of each ballot measure must state the limited purposes for which the
29 proposed annual increases during the specified period of up to six
30 consecutive years shall be used, and funds raised under the levy shall
31 not supplant existing funds used for these purposes. For purposes of
32 this subsection, existing funds means the actual operating expenditures
33 for the calendar year in which the ballot measure is approved by
34 voters. Actual operating expenditures excludes lost federal funds,
35 lost or expired state grants or loans, extraordinary events not likely
36 to reoccur, changes in contract provisions beyond the control of the
37 taxing district receiving the services, and major nonrecurring capital
38 expenditures.

1 (3) After a levy authorized pursuant to this section is made, the
2 dollar amount of such levy may not be used for the purpose of computing
3 the limitations for subsequent levies provided for in this chapter,
4 unless the ballot proposition expressly states that the levy made under
5 this section will be used for this purpose.

6 (4) If expressly stated, a proposition placed before the voters
7 under subsection (1) or (2) of this section may:

8 (a) Use the dollar amount of a levy under subsection (1) of this
9 section, or the dollar amount of the final levy under subsection (2) of
10 this section, for the purpose of computing the limitations for
11 subsequent levies provided for in this chapter;

12 (b) Limit the period for which the increased levy is to be made
13 under (a) of this subsection;

14 (c) Limit the purpose for which the increased levy is to be made
15 under (a) of this subsection, but if the limited purpose includes
16 making redemption payments on bonds, the period for which the increased
17 levies are made shall not exceed nine years;

18 (d) Set the levy or levies at a rate less than the maximum rate
19 allowed for the district; or

20 (e) Include any combination of the conditions in this subsection.

21 (5) Except as otherwise expressly stated in an approved ballot
22 measure under this section, subsequent levies shall be computed as if:

23 (a) The proposition under this section had not been approved; and

24 (b) The taxing district had made levies at the maximum rates which
25 would otherwise have been allowed under this chapter during the years
26 levies were made under the proposition.

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