

SENATE BILL REPORT

ESB 5833

As Passed Senate, February 15, 2002

Title: An act relating to legislative hearings on initiatives and referendums.

Brief Description: Permitting hearings on initiatives and referendums.

Sponsors: Senators Costa, Thibaudeau, Parlette, Deccio, Jacobsen, Kohl-Welles and Oke.

Brief History:

Committee Activity: State & Local Government: 2/12/01, 2/21/01 [DP, DNP]; 1/21/02, 1/28/02 [DP, DNP].

Passed Senate: 2/15/02, 33-16.

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Keiser and Kline.

Minority Report: Do not pass.

Signed by Senators Horn, McCaslin and T. Sheldon.

Staff: Diane Smith (786-7410)

Background: The Washington State Constitution provides for the powers of initiative in Article II, Section 1 as powers reserved by the people. The Legislature implemented the powers of initiative in statute. The statutory process does not provide for hearings to be provided in a governmental forum on the issues raised by initiative. The state voters' pamphlet must contain statements of the arguments for and against statewide ballot measures. These statements are prepared by members of committees appointed for that purpose.

The campaign financing section of the public disclosure law and the ethics in public service law both prohibit the use of public facilities to promote or oppose a ballot proposition.

Summary of Bill: The Secretary of State must hold public hearings on initiative measures that have been certified to the general election ballot by the Secretary of State. The hearings must be held between September 1 and October 15.

The hearings must be held in each congressional district in the state, with limited exceptions, upon 30 days' notice to the voters and state and local governmental officials of the congressional district and to the members of the committee who prepare the statements for and against ballot measures for the state voters' pamphlet. Notice must be given through the media. The office of Secretary of State may also use its website and may use the state voters' pamphlet to make the public aware of the availability of unedited audio or audio/video recordings of the hearings.

No constitutional rights are diminished. No right to claim invalidity of the measure is created.

The campaign finance law and the ethics law are amended to allow participation of public officials and their staffs at the hearings on ballot measures and for them to provide copies of written materials after the hearings only upon request.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: It is important for people to understand the full impact of initiatives and referenda. Many of these measures have dramatic impacts on local governments. In this era of government by initiative, the more educated the decision at the ballot box, the better.

Testimony Against: This measure infringes on the people's independence by making the Legislature an influential player in the initiative process.

Testified: Charlie Davidson, League of Women Voters (con); Jim Justin, AWC (pro); Pat Thompson, County and City Employees (pro).