
HOUSE BILL 1509

State of Washington 57th Legislature 2001 Regular Session

By Representatives Clements and Skinner

Read first time 01/29/2001. Referred to Committee on State Government.

1 AN ACT Relating to establishing initiative review committees; and
2 adding new sections to chapter 29.79 RCW.

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

4 NEW SECTION. **Sec. 1.** The secretary of state shall create an
5 initiative fiscal review committee and an initiative legal review
6 committee for each initiative. The secretary of state shall appoint
7 the members of each committee. The members of each committee must be
8 citizens of the United States and must be actual residents of this
9 state. Each committee must be organized at such time as the secretary
10 deems appropriate, but each committee shall review each initiative that
11 qualifies for the ballot. Each committee shall hold meetings at such
12 times, places, and manners as the secretary of state may designate.

13 NEW SECTION. **Sec. 2.** (1) The initiative fiscal review committee
14 will consist of the following persons as are determined to be
15 qualified, available, and have expertise in the policy area that is the
16 subject of the initiative: Two persons licensed to practice law in the
17 state of Washington, two persons experienced in analyzing fiscal
18 impacts of legislation, two persons who are professional economists,

1 two persons employed in occupations impacted by the initiative, two
2 persons employed as professors by a recognized college or university,
3 two persons from recognized research organizations who are considered
4 experts in the subject matter, and two persons who are members of the
5 public. The fact that the secretary of state is unable to fill each
6 position on the committee does not prevent the committee from
7 performing its duty under this section so long as the secretary of
8 state makes a good-faith effort to fill each position with a person who
9 is qualified and available.

10 (2) The initiative fiscal review committee shall determine, as well
11 as possible, the short-term and long-term effects of the initiative,
12 including any disproportionate impacts on particular public or private
13 entities, the fiscal and economic costs of the initiative, including
14 the costs of compliance for public or private entities required to
15 comply with the proposed initiative, and if the initiative affects the
16 collection of a tax or fee used to fund general government, the rate or
17 amount of the tax or fee, or an exemption to the tax or fee.

18 NEW SECTION. **Sec. 3.** (1) The initiative legal review committee
19 will consist of the following persons as are determined to be
20 qualified, available, and have expertise in the policy area that is the
21 subject of the initiative: Two persons licensed to practice law in the
22 state of Washington, two persons experienced in analyzing the legal
23 effects of legislation, two persons employed as lawyers in
24 organizations impacted by the initiative, two persons employed as law
25 professors by a recognized school of law or university, two persons
26 from recognized legal research organizations who are considered experts
27 in the subject matter, and two persons who are members of the public.
28 The fact that the secretary of state is unable to fill each position on
29 the committee does not prevent the committee from performing its duty
30 under this section so long as the secretary of state makes a good-faith
31 effort to fill each position with a person who is qualified and
32 available.

33 (2) The initiative legal review committee shall determine, as well
34 as possible, the legality of the initiative, including its impact on
35 other laws and any other legal or constitutional implications that may
36 arise.

1 NEW SECTION. **Sec. 4.** The secretary of state shall ensure that the
2 membership of each committee reflects a fair-minded balance of
3 perspectives. The secretary shall also ensure that the report of each
4 committee is analytical, factual, objective, and impartial, is written
5 in clear and concise language, and that information, findings,
6 conclusions, and opinions regarding the effects, fiscal and economic
7 costs, or legality of the initiative are supported with specificity.

8 NEW SECTION. **Sec. 5.** (1) Each committee shall issue a final
9 report on its determinations. Each report is advisory only and may
10 include only such information, findings, conclusions, or opinions as
11 all members of the committee issuing the report agree to include in the
12 report. The secretary of state shall ensure that each committee
13 completes and submits its final report to the secretary in time to
14 allow adequate opportunity for the proponents, and opponents if any, of
15 the initiative to include whatever information, findings, conclusions,
16 or opinions of the committee the proponents or opponents may find
17 appropriate in arguments prepared by them under RCW 29.81.240. A copy
18 of each report must be made available to members of the public upon
19 request.

20 (2) The secretary of state shall provide adequate notice in any
21 voter pamphlet distributed under RCW 29.81.210, as appropriate, of the
22 existence of an initiative fiscal review committee report and
23 initiative legal review committee report, a brief description of the
24 purpose of the report that may be no longer than twenty-five words,
25 that a copy of the report is available to members of the public upon
26 request, and where a copy of the report can be obtained.

27 (3)(a) For purposes of the initiative legal review committee
28 report, the voters' pamphlet must include, in addition to the
29 twenty-five word description of the report, one of the following
30 statements, as appropriate:

31 (i) In the opinion of the initiative legal review committee this
32 initiative is constitutional.

33 (ii) In the opinion of the initiative legal review committee this
34 initiative is not constitutional.

35 (iii) In the opinion of the initiative legal review committee it is
36 not clear whether this initiative is constitutional or not.

1 (b) For purposes of this subsection (3), if all members of the
2 committee issuing the report are unable to agree on either statement
3 (i), (ii), or (iii), the voters' pamphlet must include statement (iii).

4 NEW SECTION. **Sec. 6.** When the initiative legal review committee
5 report is submitted to the secretary of state, the secretary of state
6 shall immediately provide a copy of the report to the proponents, and
7 opponents if any, of the initiative and any other person who has made
8 written request for the report. A person dissatisfied with the opinion
9 of the committee regarding the constitutionality of the initiative may
10 appeal directly to the supreme court for declaratory judgment on the
11 issue within five days after the date the report is completed and
12 submitted to the secretary. The appeal must be made by petition
13 setting forth the initiative, the committee report, and objections to
14 the opinion of the committee regarding the constitutionality of the
15 initiative. The petition together with a notice that an appeal has
16 been taken must be served on the secretary of state, the attorney
17 general, and the proponents, and opponents if any, of the initiative.
18 The appeal must be considered an emergency matter of public concern,
19 and must be heard and determined with all convenient speed. The court
20 shall examine the initiative, the committee report, and the objections,
21 and may hear arguments. The court shall render its decision regarding
22 the constitutionality of the initiative, and the decision of the court
23 is final and its opinion on the constitutionality of the initiative is
24 conclusive. The appeal must be heard without costs to the petitioner.

25 NEW SECTION. **Sec. 7.** Members of the committee may receive no
26 compensation for their services, but are eligible to receive a
27 subsistence allowance and travel expenses under RCW 43.03.050 and
28 43.03.060.

29 NEW SECTION. **Sec. 8.** The secretary of state and members of the
30 review committees are immune from suit in any action based on acts
31 performed in good faith in the performance of their duties.

32 NEW SECTION. **Sec. 9.** The secretary of state shall adopt rules
33 necessary to implement sections 1 through 8 of this act.

1 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act are added
2 to chapter 29.79 RCW.

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