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**SUBSTITUTE HOUSE BILL 1812**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** House Committee on Local Government & Housing (originally sponsored by Representatives Schindler, Ahern, Crouse, Sump, Benson, Cox, Wood, Gombosky and Schoesler)

Read first time 02/26/2001. Referred to Committee on .

1 AN ACT Relating to independent commissions to set salaries for city  
2 and town elected officials, and county commissioners and  
3 councilmembers; amending RCW 36.17.020; adding a new section to chapter  
4 36.17 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature hereby finds and declares  
7 that:

8 (1) Article XXX, section 1 of the state Constitution permits  
9 midterm salary increases for municipal officers who do not fix their  
10 own compensation;

11 (2) The Washington citizens' commission on salaries for elected  
12 officials established pursuant to Article XXVIII, section 1 of the  
13 state Constitution with voter approval has assured that the  
14 compensation for state and county elected officials will be fair and  
15 certain, while minimizing the dangers of midterm salary increases being  
16 used to influence those officers in the performance of their duties;

17 (3) The same public benefits of independent salary commissions  
18 should be extended to the setting of compensation of municipal elected  
19 officers; and

1 (4) This act is intended to clarify the intent of the legislature  
2 that existing state law authorizes:

3 (a) The establishment of independent salary commissions to set the  
4 salaries of county commissioners and county councilmembers; and

5 (b) The authority of the voters of such counties to review  
6 commission decisions to increase or decrease such salaries by means of  
7 referendum.

8 **Sec. 2.** RCW 36.17.020 and 1994 sp.s. c 4 s 1 are each amended to  
9 read as follows:

10 The county legislative authority of each county or a county  
11 commissioner or councilmember salary commission which conforms with  
12 section 3 of this act is authorized to establish the salaries of the  
13 elected officials of the county. One-half of the salary of each  
14 prosecuting attorney shall be paid by the state. The annual salary of  
15 a county elected official shall not be less than the following:

16 (1) In each county with a population of one million or more:  
17 Auditor, clerk, treasurer, sheriff, members of the county legislative  
18 authority, and coroner, eighteen thousand dollars; assessor, nineteen  
19 thousand dollars; and prosecuting attorney, thirty thousand three  
20 hundred dollars;

21 (2) In each county with a population of from two hundred ten  
22 thousand to less than one million: Auditor, seventeen thousand six  
23 hundred dollars; clerk, seventeen thousand six hundred dollars;  
24 treasurer, seventeen thousand six hundred dollars; sheriff, nineteen  
25 thousand five hundred dollars; assessor, seventeen thousand six hundred  
26 dollars; prosecuting attorney, twenty-four thousand eight hundred  
27 dollars; members of the county legislative authority, nineteen thousand  
28 five hundred dollars; and coroner, seventeen thousand six hundred  
29 dollars;

30 (3) In each county with a population of from one hundred twenty-  
31 five thousand to less than two hundred ten thousand: Auditor, sixteen  
32 thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen  
33 thousand dollars; sheriff, seventeen thousand six hundred dollars;  
34 assessor, sixteen thousand dollars; prosecuting attorney, twenty-four  
35 thousand eight hundred dollars; members of the county legislative  
36 authority, seventeen thousand six hundred dollars; and coroner, sixteen  
37 thousand dollars;

1 (4) In each county with a population of from seventy thousand to  
2 less than one hundred twenty-five thousand: Auditor, fourteen thousand  
3 nine hundred dollars; clerk, fourteen thousand nine hundred dollars;  
4 treasurer, fourteen thousand nine hundred dollars; assessor, fourteen  
5 thousand nine hundred dollars; sheriff, fourteen thousand nine hundred  
6 dollars; prosecuting attorney, twenty-three thousand seven hundred  
7 dollars; members of the county legislative authority, fourteen thousand  
8 nine hundred dollars; and coroner, fourteen thousand nine hundred  
9 dollars;

10 (5) In each county with a population of from forty thousand to less  
11 than seventy thousand: Auditor, thirteen thousand eight hundred  
12 dollars; clerk, thirteen thousand eight hundred dollars; treasurer,  
13 thirteen thousand eight hundred dollars; assessor, thirteen thousand  
14 eight hundred dollars; sheriff, thirteen thousand eight hundred  
15 dollars; prosecuting attorney, twenty-three thousand seven hundred  
16 dollars; members of the county legislative authority, thirteen thousand  
17 eight hundred dollars; and coroner, thirteen thousand eight hundred  
18 dollars;

19 (6) In each county with a population of from eighteen thousand to  
20 less than forty thousand: Auditor, twelve thousand one hundred  
21 dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve  
22 thousand one hundred dollars; sheriff, twelve thousand one hundred  
23 dollars; assessor, twelve thousand one hundred dollars; prosecuting  
24 attorney in such a county in which there is no state university or  
25 college, fourteen thousand three hundred dollars; in such a county in  
26 which there is a state university or college, sixteen thousand five  
27 hundred dollars; and members of the county legislative authority,  
28 eleven thousand dollars;

29 (7) In each county with a population of from twelve thousand to  
30 less than eighteen thousand: Auditor, ten thousand one hundred  
31 dollars; clerk, ten thousand one hundred dollars; treasurer, ten  
32 thousand one hundred dollars; assessor, ten thousand one hundred  
33 dollars; sheriff, eleven thousand two hundred dollars; prosecuting  
34 attorney, thirteen thousand two hundred dollars; and members of the  
35 county legislative authority, nine thousand four hundred dollars;

36 (8) In each county with a population of from eight thousand to less  
37 than twelve thousand: Auditor, ten thousand one hundred dollars;  
38 clerk, ten thousand one hundred dollars; treasurer, ten thousand one  
39 hundred dollars; assessor, ten thousand one hundred dollars; sheriff,

1 eleven thousand two hundred dollars; prosecuting attorney, nine  
2 thousand nine hundred dollars; and members of the county legislative  
3 authority, seven thousand dollars;

4 (9) In each county with a population of from five thousand to less  
5 than eight thousand: Auditor, nine thousand one hundred dollars;  
6 clerk, nine thousand one hundred dollars; treasurer, nine thousand one  
7 hundred dollars; assessor, nine thousand one hundred dollars; sheriff,  
8 ten thousand five hundred dollars; prosecuting attorney, nine thousand  
9 nine hundred dollars; and members of the county legislative authority,  
10 six thousand five hundred dollars;

11 (10) In each other county: Auditor, nine thousand one hundred  
12 dollars; clerk, nine thousand one hundred dollars; treasurer, nine  
13 thousand one hundred dollars; sheriff, ten thousand five hundred  
14 dollars; assessor, nine thousand one hundred dollars; prosecuting  
15 attorney, nine thousand nine hundred dollars; and members of the county  
16 legislative authority, six thousand five hundred dollars.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.17 RCW  
18 to read as follows:

19 (1) Salaries for county commissioners and councilmembers may be set  
20 by county commissioner and councilmember salary commissions established  
21 by ordinance or resolution of the county legislative authority in a  
22 noncharter county with a population of at least four hundred ten  
23 thousand and in conformity with this section.

24 (2) Commissions established under subsection (1) of this section  
25 shall be known as the (**Insert name of county**) county citizens'  
26 commission on salaries for elected officials. Each commission shall  
27 consist of ten members appointed by the county commissioner or  
28 executive with the approval of the county legislative authority, or by  
29 a majority vote of the county legislative authority if there is no  
30 single county commissioner or executive, as provided in this section.

31 (a) Six of the ten commission members shall be selected by lot by  
32 the county auditor from among those registered voters eligible to vote  
33 at the time persons are selected for appointment to full terms on the  
34 commission under (c) of this subsection. In noncharter counties, the  
35 county auditor shall select two commission members living in each  
36 commissioner's district. The county auditor shall establish policies  
37 and procedures for conducting the selection by lot. The policies and  
38 procedures shall include, but not be limited to, those for notifying

1 persons selected and for providing a new selection from a  
2 commissioner's district if a person selected from the district declines  
3 appointment to the commission or if, following the person's  
4 appointment, the person's position on the commission becomes vacant  
5 before the end of the person's term of office.

6 (b) The remaining four of the ten commission members must be  
7 residents of the county and shall be appointed by the county  
8 commissioner or executive with approval of the county legislative  
9 authority, or by a majority vote of the county legislative authority if  
10 there is no single county commissioner or executive. The persons  
11 selected under this subsection shall have had experience in the field  
12 of personnel management. Of these four members, one shall be selected  
13 from each of the following four sectors in the county: Business,  
14 professional personnel management, legal profession, and organized  
15 labor.

16 (c) If there is a single county commissioner or executive, the  
17 county auditor shall forward the names of persons selected under (a) of  
18 this subsection to the county commissioner or executive who shall  
19 appoint these persons to the commission.

20 (d) No person may be appointed to more than two terms. No member  
21 of the commission may be removed by the county commissioner or  
22 executive, or county legislative authority if there is no single county  
23 commissioner or executive, during his or her term of office unless for  
24 cause of incapacity, incompetence, neglect of duty, or malfeasance in  
25 office, or for a disqualifying change of residence.

26 (e) The members of the commission may not include any officer,  
27 official, or employee of the county or any of their immediate family  
28 members. "Immediate family member" as used in this subsection means  
29 the parents, spouse, siblings, children, or dependent relatives of the  
30 officer, official, or employee, whether or not living in the household  
31 of the officer, official, or employee.

32 (f) Upon a vacancy in any position on the commission, a successor  
33 shall be selected and appointed to fill the unexpired term. The  
34 selection and appointment shall be concluded within thirty days of the  
35 date the position becomes vacant and shall be conducted in the same  
36 manner as for the original appointment.

37 (3) Any change in salary shall be filed by the commission with the  
38 county auditor and shall become effective and incorporated into the

1 county budget without further action of the county legislative  
2 authority or salary commission.

3 (4) Salary increases and decreases established by the commission  
4 shall become effective as to incumbent county commissioners and  
5 councilmembers at the commencement of their next subsequent terms of  
6 office.

7 (5) Salary increases and decreases shall be subject to referendum  
8 petition by the people of the county in the same manner as a county  
9 ordinance upon filing of such petition with the county auditor within  
10 thirty days after filing of the salary schedule. In the event of the  
11 filing of a valid referendum petition, the salary increase or decrease  
12 shall not go into effect until approved by vote of the people.

13 (6) Referendum measures under this section shall be submitted to  
14 the voters of the county at the next following general or municipal  
15 election occurring thirty days or more after the petition is filed, and  
16 shall be otherwise governed by the provisions of the state Constitution  
17 and laws generally applicable to referendum measures.

18 (7) The action fixing the salary of a county commissioner or  
19 councilmember by a commission established in conformity with this  
20 section shall supersede any other provision of state statute or county  
21 ordinance related to municipal budgets or to the fixing of salaries of  
22 county commissioners and councilmembers.

23 (8) Salaries for county commissioners and councilmembers  
24 established under an ordinance or resolution of the county legislative  
25 authority in existence on the effective date of this act that  
26 substantially complies with this section shall remain in effect unless  
27 and until changed in accordance with such charter provision or  
28 ordinance.

29 NEW SECTION. **Sec. 4.** If any provision of this act or its  
30 application to any person or circumstance is held invalid, the  
31 remainder of the act or the application of the provision to other  
32 persons or circumstances is not affected.

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