

SENATE BILL REPORT

SJR 8202

As of January 23, 2009

Brief Description: Relating to the constitutional provisions regarding initiatives and referendums.

Sponsors: Senator Jacobsen.

Brief History:

Committee Activity: Government Operations & Elections: 1/22/09.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Aaron Gutierrez (786-7448)

Background: The State Constitution vests the legislative authority of the State in the Legislature, but reserves to the people the powers of initiative and referendum. Article II, Section 1 of the State Constitution describes the general process for initiative and referendum, and declares that legislation is subject to referendum except as necessary for the immediate preservation of the public peace, health or safety, or support of the state government and its existing public institutions.

The powers of initiative and referendum also appear in the following sections:

- Article II, Section 24 concerns the creation of new lotteries by affirmative vote of the Legislature or by referendum or initiative.
- Article II, Section 41 concerns the effective date of legislation, and the ability to amend legislation within two years of enactment. Amending legislation is not subject to referendum.
- Article XXVIII concerns salaries for elected officials. Recommendations of the salary commission become law 90 days after being filed with the Secretary of State, and are subject to referendum.
- Article XXXII, Section 1 concerns the issue of nonrecourse revenue bonds. Legislation that expands the definition of industrial development project is subject to referendum.

The Revised Code of Washington also provides the powers of initiative and referendum for the following local governments: first-class cities, second-class cities, commission cities, code cities, commission counties, and charter counties.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: Legislation may take effect on any date given by the Legislature. The powers of initiative and referendum are removed from the State Constitution. The powers of initiative and referendum for local governments are not affected. The Secretary of State must cause notice of this constitutional amendment to be published at least four times during the four weeks preceding the election in every legal newspaper in the state.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Initiative and referendum restricts the system during a crisis. The process used to involve individuals donating their time to collect signatures, where now it has become a professional venture.

CON: The initiatives that get voted on are those that present a problem not being addressed. The Legislature has enacted measures that failed as initiatives. The people already voted on this process back when it was first enacted.

Persons Testifying: PRO: Senator Jacobsen, prime sponsor.

CON: Tim Eyman, Voters Want More Choices; Arthur West, David John Anderson, citizens.