
ENGROSSED SUBSTITUTE SENATE BILL 6130

State of Washington

61st Legislature

2010 Regular Session

By Senate Ways & Means (originally sponsored by Senator Prentice)

READ FIRST TIME 02/09/10.

1 AN ACT Relating to amending provisions related to Initiative No.
2 960; amending RCW 43.135.031, 43.135.035, and 43.135.041; adding a new
3 section to chapter 43.135 RCW; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.135 RCW
6 to read as follows:

7 In order to preserve funding for education, public safety, health
8 care, and safety net services for elderly, disabled, and vulnerable
9 people, it is the intent of the legislature to provide a means to
10 stabilize revenue collections.

11 **Sec. 2.** RCW 43.135.031 and 2008 c 1 s 2 are each amended to read
12 as follows:

13 (1) After July 1, 2011, for any bill introduced in either the house
14 of representatives or the senate that raises taxes as defined by RCW
15 43.135.035 or increases fees, the office of financial management must
16 expeditiously determine its cost to the taxpayers in its first ten
17 years of imposition, must promptly and without delay report the results
18 of its analysis by public press release via e-mail to each member of

1 the house of representatives, each member of the senate, the news
2 media, and the public, and must post and maintain these releases on its
3 web site. Any ten-year cost projection must include a year-by-year
4 breakdown. For any bill containing more than one revenue source, a
5 ten-year cost projection for each revenue source will be included along
6 with the bill's total ten-year cost projection. The press release
7 shall include the names of the legislators, and their contact
8 information, who are sponsors and cosponsors of the bill so they can
9 provide information to, and answer questions from, the public.

10 (2) After July 1, 2011, any time any legislative committee
11 schedules a public hearing on a bill that raises taxes as defined by
12 RCW 43.135.035 or increases fees, the office of financial management
13 must promptly and without delay report the results of its most
14 up-to-date analysis of the bill required by subsection (1) of this
15 section and the date, time, and location of the hearing by public press
16 release via e-mail to each member of the house of representatives, each
17 member of the senate, the news media, and the public, and must post and
18 maintain these releases on its web site. The press release required by
19 this subsection must include all the information required by subsection
20 (1) of this section and the names of the legislators, and their contact
21 information, who are members of the legislative committee conducting
22 the hearing so they can provide information to, and answer questions
23 from, the public.

24 (3) After July 1, 2011, each time a bill that raises taxes as
25 defined by RCW 43.135.035 or increases fees is approved by any
26 legislative committee or by at least a simple majority in either the
27 house of representatives or the senate, the office of financial
28 management must expeditiously reexamine and redetermine its ten-year
29 cost projection due to amendment or other changes during the
30 legislative process, must promptly and without delay report the results
31 of its most up-to-date analysis by public press release via e-mail to
32 each member of the house of representatives, each member of the senate,
33 the news media, and the public, and must post and maintain these
34 releases on its web site. Any ten-year cost projection must include a
35 year-by-year breakdown. For any bill containing more than one revenue
36 source, a ten-year cost projection for each revenue source will be
37 included along with the bill's total ten-year cost projection. The

1 press release shall include the names of the legislators, and their
2 contact information, and how they voted on the bill so they can provide
3 information to, and answer questions from, the public.

4 (4) For the purposes of this section, "names of legislators, and
5 their contact information" includes each legislator's position (senator
6 or representative), first name, last name, party affiliation (for
7 example, Democrat or Republican), city or town they live in, office
8 phone number, and office e-mail address.

9 (5) For the purposes of this section, "news media" means any member
10 of the press or media organization, including newspapers, radio, and
11 television, that signs up with the office of financial management to
12 receive the public press releases by e-mail.

13 (6) For the purposes of this section, "the public" means any
14 person, group, or organization that signs up with the office of
15 financial management to receive the public press releases by e-mail.

16 **Sec. 3.** RCW 43.135.035 and 2009 c 479 s 36 are each amended to
17 read as follows:

18 (1) After July 1, (~~1995~~) 2011, any action or combination of
19 actions by the legislature that raises taxes may be taken only if
20 approved by a two-thirds vote of each house of the legislature, and
21 then only if state expenditures in any fiscal year, including the new
22 revenue, will not exceed the state expenditure limits established under
23 this chapter. Pursuant to the referendum power set forth in Article
24 II, section 1(b) of the state Constitution, tax increases may be
25 referred to the voters for their approval or rejection at an election.

26 (2)(a) If the legislative action under subsection (1) of this
27 section will result in expenditures in excess of the state expenditure
28 limit, then the action of the legislature shall not take effect until
29 approved by a vote of the people at a November general election. The
30 state expenditure limit committee shall adjust the state expenditure
31 limit by the amount of additional revenue approved by the voters under
32 this section. This adjustment shall not exceed the amount of revenue
33 generated by the legislative action during the first full fiscal year
34 in which it is in effect. The state expenditure limit shall be
35 adjusted downward upon expiration or repeal of the legislative action.

36 (b) The ballot title for any vote of the people required under this
37 section shall be substantially as follows:

1 "Shall taxes be imposed on in order to allow a
2 spending increase above last year's authorized spending adjusted for
3 personal income growth?"

4 (3)(a) The state expenditure limit may be exceeded upon declaration
5 of an emergency for a period not to exceed twenty-four months by a law
6 approved by a two-thirds vote of each house of the legislature and
7 signed by the governor. The law shall set forth the nature of the
8 emergency, which is limited to natural disasters that require immediate
9 government action to alleviate human suffering and provide humanitarian
10 assistance. The state expenditure limit may be exceeded for no more
11 than twenty-four months following the declaration of the emergency and
12 only for the purposes contained in the emergency declaration.

13 (b) Additional taxes required for an emergency under this section
14 may be imposed only until thirty days following the next general
15 election, unless an extension is approved at that general election.
16 The additional taxes shall expire upon expiration of the declaration of
17 emergency. The legislature shall not impose additional taxes for
18 emergency purposes under this subsection unless funds in the education
19 construction fund have been exhausted.

20 (c) The state or any political subdivision of the state shall not
21 impose any tax on intangible property listed in RCW 84.36.070 as that
22 statute exists on January 1, 1993.

23 (4) If the cost of any state program or function is shifted from
24 the state general fund to another source of funding, or if moneys are
25 transferred from the state general fund to another fund or account, the
26 state expenditure limit committee, acting pursuant to RCW
27 43.135.025(5), shall lower the state expenditure limit to reflect the
28 shift. For the purposes of this section, a transfer of money from the
29 state general fund to another fund or account includes any state
30 legislative action taken that has the effect of reducing revenues from
31 a particular source, where such revenues would otherwise be deposited
32 into the state general fund, while increasing the revenues from that
33 particular source to another state or local government account. This
34 subsection does not apply to: (a) The dedication or use of lottery
35 revenues under RCW 67.70.240(3), in support of education or education
36 expenditures; or (b) a transfer of moneys to, or an expenditure from,
37 the budget stabilization account.

1 (5) If the cost of any state program or function and the ongoing
2 revenue necessary to fund the program or function are shifted to the
3 state general fund on or after January 1, 2007, the state expenditure
4 limit committee, acting pursuant to RCW 43.135.025(5), shall increase
5 the state expenditure limit to reflect the shift unless the shifted
6 revenue had previously been shifted from the general fund.

7 (6) For the purposes of chapter 1, Laws of 2008, "raises taxes"
8 means any action or combination of actions by the legislature that
9 increases state tax revenue deposited in any fund, budget, or account,
10 regardless of whether the revenues are deposited into the general fund.

11 **Sec. 4.** RCW 43.135.041 and 2008 c 1 s 6 are each amended to read
12 as follows:

13 (1)(a) After July 1, 2011, if legislative action raising taxes as
14 defined by RCW 43.135.035 is blocked from a public vote or is not
15 referred to the people by a referendum petition found to be sufficient
16 under RCW 29A.72.250, a measure for an advisory vote of the people is
17 required and shall be placed on the next general election ballot under
18 chapter 1, Laws of 2008.

19 ~~((a))~~ (b) If legislative action raising taxes enacted after July
20 1, 2011, involves more than one revenue source, each tax being
21 increased shall be subject to a separate measure for an advisory vote
22 of the people under the requirements of chapter 1, Laws of 2008.

23 (2) No later than the first of August, the attorney general will
24 send written notice to the secretary of state of any tax increase that
25 is subject to an advisory vote of the people, under the provisions and
26 exceptions provided by chapter 1, Laws of 2008. Within five days of
27 receiving such written notice from the attorney general, the secretary
28 of state will assign a serial number for a measure for an advisory vote
29 of the people and transmit one copy of the measure bearing its serial
30 number to the attorney general as required by RCW 29A.72.040, for any
31 tax increase identified by the attorney general as needing an advisory
32 vote of the people for that year's general election ballot. Saturdays,
33 Sundays, and legal holidays are not counted in calculating the time
34 limits in this subsection.

35 (3) For the purposes of this section, "blocked from a public vote"
36 includes adding an emergency clause to a bill increasing taxes, bonding

1 or contractually obligating taxes, or otherwise preventing a referendum
2 on a bill increasing taxes.

3 (4) If legislative action raising taxes is referred to the people
4 by the legislature or is included in an initiative to the people found
5 to be sufficient under RCW 29A.72.250, then the tax increase is exempt
6 from an advisory vote of the people under chapter 1, Laws of 2008.

7 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 immediately.

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