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SENATE BILL 6843

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State of Washington

61st Legislature

2010 Regular Session

By Senators Prentice, Murray, Kohl-Welles, Regala, Fairley, Ranker, McDermott, Kline, and Keiser

Read first time 02/04/10. Referred to Committee on Ways & Means.

1 AN ACT Relating to preserving essential public services by  
2 temporarily suspending the two-thirds vote requirement for tax  
3 increases and permanently modifying provisions of Initiative Measure  
4 No. 960 for improved efficiency and consistency with state budgeting;  
5 amending RCW 43.135.031, 43.135.035, 29A.32.031, 29A.32.070,  
6 29A.72.040, 29A.72.250, and 29A.72.290; repealing RCW 43.135.041,  
7 29A.72.283, and 29A.72.285; and declaring an emergency.

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

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

11 (1) For any bill (~~introduced in either the house of~~  
12 ~~representatives or the senate~~) scheduled for public hearing that  
13 (~~raises~~) increases taxes as defined by RCW 43.135.035 or increases  
14 fees, the office of financial management must expeditiously determine  
15 its cost to the taxpayers (~~in its first ten years of imposition~~) and  
16 indicate by fiscal year the impact for the remainder of the biennium in  
17 which the bill will first take effect as well as a cumulative forecast  
18 of the fiscal impact for the succeeding four fiscal years, must  
19 promptly and without delay report the results of its analysis by public

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

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

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

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

4 ~~((For the purposes of))~~ the definitions in this section((7))  
5 apply throughout this section unless the context clearly requires  
6 otherwise.

7 (a) "Names of legislators, and their contact information" includes  
8 each legislator's position (senator or representative), first name,  
9 last name, party affiliation (for example, Democrat or Republican),  
10 city or town they live in, office phone number, and office e-mail  
11 address.

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

16 ~~((6) For the purposes of this section,))~~ (c) "The public" means  
17 any person, group, or organization that signs up with the office of  
18 financial management to receive the public press releases by e-mail.

19 **Sec. 2.** RCW 43.135.035 and 2009 c 479 s 36 are each amended to  
20 read as follows:

21 (1)(a) After July 1, 1995, any action or combination of actions by  
22 the legislature that ~~((raises))~~ increases taxes may be taken only if  
23 approved by a two-thirds vote of each house of the legislature, and  
24 then only if state expenditures in any fiscal year, including the new  
25 revenue, will not exceed the state expenditure limits established under  
26 this chapter. The requirements of this subsection (1)(a) do not apply  
27 to any action or combination of actions described in (b), (c), or (d)  
28 of this subsection.

29 (b) Pursuant to the referendum power set forth in Article II,  
30 section 1(b) of the state Constitution, tax increases may be referred  
31 to the voters for their approval or rejection at an election.

32 (c)(i) In order to preserve funding for education, public safety,  
33 health care, and safety net services for elderly, disabled, and  
34 vulnerable people during the unprecedented economic crisis in the 2009-  
35 2011 fiscal biennium, it is the intent of the legislature to provide a  
36 temporary means to stabilize revenue collections.

1        (ii) For legislation enacted between the effective date of this  
2 section and July 1, 2011, any action or combination of actions by the  
3 legislature that increases taxes may be taken with the approval of a  
4 majority of members elected to each house of the legislature.

5        (d)(i) The legislature also finds that voter-approved initiatives  
6 may fundamentally change the services which the state provides,  
7 increase service levels of current programs, or mandate the state to  
8 provide new services. The legislature further finds that many of these  
9 voter-approved initiatives lack a dedicated funding source, which  
10 impacts the legislature's ability to fund other services. It is  
11 therefore the intent of the legislature to provide a means for the  
12 legislature to raise new revenue to fund voter-approved initiatives so  
13 existing education, public safety, health care, and safety net services  
14 for the elderly, disabled, and vulnerable people may be preserved.

15        (ii) Any action or combination of actions by the legislature that  
16 raises taxes may be taken with the approval of a majority of members  
17 elected to each house of the legislature if the revenue is for the  
18 purpose of funding a voter-approved initiative.

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

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

32        "Shall taxes be imposed on . . . . . in order to allow a  
33 spending increase above last year's authorized spending adjusted for  
34 personal income growth?"

35        (3)(a) The state expenditure limit may be exceeded upon declaration  
36 of an emergency for a period not to exceed twenty-four months by a law  
37 approved by a two-thirds vote of each house of the legislature and  
38 signed by the governor. The law shall set forth the nature of the

1 emergency, which is limited to natural disasters that require immediate  
2 government action to alleviate human suffering and provide humanitarian  
3 assistance. The state expenditure limit may be exceeded for no more  
4 than twenty-four months following the declaration of the emergency and  
5 only for the purposes contained in the emergency declaration.

6 (b) Additional taxes required for an emergency under this section  
7 may be imposed only until thirty days following the next general  
8 election, unless an extension is approved at that general election.  
9 The additional taxes shall expire upon expiration of the declaration of  
10 emergency. The legislature shall not impose additional taxes for  
11 emergency purposes under this subsection unless funds in the education  
12 construction fund have been exhausted.

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

16 (4) If the cost of any state program or function is shifted from  
17 the state general fund to another source of funding, or if moneys are  
18 transferred from the state general fund to another fund or account, the  
19 state expenditure limit committee, acting pursuant to RCW  
20 43.135.025(5), shall lower the state expenditure limit to reflect the  
21 shift. For the purposes of this section, a transfer of money from the  
22 state general fund to another fund or account includes any state  
23 legislative action taken that has the effect of reducing revenues from  
24 a particular source, where such revenues would otherwise be deposited  
25 into the state general fund, while increasing the revenues from that  
26 particular source to another state or local government account. This  
27 subsection does not apply to: (a) The dedication or use of lottery  
28 revenues under RCW 67.70.240(3), in support of education or education  
29 expenditures; or (b) a transfer of moneys to, or an expenditure from,  
30 the budget stabilization account.

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

37 (6)(a) The legislature finds that an optimal tax policy promotes  
38 fairness and spurs economic development or other public benefits. It

1 is therefore the legislature's intent to maintain fairness and to  
2 advance economic prosperity and serve the public interest by enabling  
3 current and future legislatures to modify tax preferences with a simple  
4 majority vote.

5 (b) The legislature finds that focused tax preferences,  
6 expenditures, or programs are the best use of public resources by  
7 limiting costs. Therefore, the legislature recognizes that it may be  
8 necessary to clarify the intent of legislation when questions arise  
9 over the scope of a law.

10 (7) For the purposes of this chapter ((1, Laws of 2008, "raises)),  
11 the following definitions apply:

12 (a) "Increases taxes" means any action or combination of actions by  
13 the legislature that increases state tax revenue deposited in any  
14 fund((, budget,)) or account((, regardless of whether the revenues are  
15 deposited into the general fund)). "Increases taxes" does not include  
16 any action or combination of actions by the legislature that is: A  
17 curative or remedial clarification of legislative intent; a  
18 modification or repeal of tax preferences; a transfer of existing  
19 revenues between state accounts; or a change to the use of existing  
20 revenues.

21 (b) "Tax preference" has the same meaning as in RCW 43.136.021.

22 **Sec. 3.** RCW 29A.32.031 and 2009 c 415 s 2 are each amended to read  
23 as follows:

24 The voters' pamphlet published or distributed under RCW 29A.32.010  
25 must contain:

26 (1) Information about each ((~~measure for an advisory vote of the~~  
27 ~~people and each~~)) ballot measure initiated by or referred to the voters  
28 for their approval or rejection as required by RCW 29A.32.070;

29 (2) In even-numbered years, statements, if submitted, from  
30 candidates for the office of president and vice president of the United  
31 States, United States senator, United States representative, governor,  
32 lieutenant governor, secretary of state, state treasurer, state  
33 auditor, attorney general, commissioner of public lands, superintendent  
34 of public instruction, insurance commissioner, state senator, state  
35 representative, justice of the supreme court, judge of the court of  
36 appeals, or judge of the superior court. Candidates may also submit

1 campaign contact information and a photograph not more than five years  
2 old in a format that the secretary of state determines to be suitable  
3 for reproduction in the voters' pamphlet;

4 (3) In odd-numbered years, if any office voted upon statewide  
5 appears on the ballot due to a vacancy, then statements and photographs  
6 for candidates for any vacant office listed in subsection (2) of this  
7 section must appear;

8 (4) Contact information for the public disclosure commission  
9 established under RCW 42.17.350;

10 (5) Contact information for major political parties;

11 (6) A brief statement explaining the deletion and addition of  
12 language for proposed measures under RCW 29A.32.080; and

13 (7) Any additional information pertaining to elections as may be  
14 required by law or in the judgment of the secretary of state is deemed  
15 informative to the voters.

16 **Sec. 4.** RCW 29A.32.070 and 2009 c 415 s 5 are each amended to read  
17 as follows:

18 (1) The secretary of state (~~((shall))~~) must determine the format and  
19 layout of the voters' pamphlet published under RCW 29A.32.010. The  
20 secretary of state (~~((shall))~~) must print the pamphlet in clear, readable  
21 type on a size, quality, and weight of paper that in the judgment of  
22 the secretary of state best serves the voters. The pamphlet must  
23 contain a table of contents. Measures and arguments must be printed in  
24 the order specified by RCW 29A.72.290.

25 (2) The voters' pamphlet must provide the following information for  
26 each statewide issue on the ballot (~~((except measures for an advisory  
27 vote of the people whose requirements are provided in subsection (11)  
28 of this section))~~):

29 ~~((+1))~~ (a) The legal identification of the measure by serial  
30 designation or number;

31 ~~((+2))~~ (b) The official ballot title of the measure;

32 ~~((+3))~~ (c) A statement prepared by the attorney general explaining  
33 the law as it presently exists;

34 ~~((+4))~~ (d) A statement prepared by the attorney general explaining  
35 the effect of the proposed measure if it becomes law;

36 ~~((+5))~~ (e) The fiscal impact statement prepared under RCW  
37 29A.72.025;

1       ~~((+6))~~ (f) The total number of votes cast for and against the  
2 measure in the senate and house of representatives, if the measure has  
3 been passed by the legislature;

4       ~~((+7))~~ (g) An argument advocating the voters' approval of the  
5 measure together with any statement in rebuttal of the opposing  
6 argument;

7       ~~((+8))~~ (h) An argument advocating the voters' rejection of the  
8 measure together with any statement in rebuttal of the opposing  
9 argument;

10       ~~((+9))~~ (i) Each argument or rebuttal statement must be followed by  
11 the names of the committee members who submitted them, and may be  
12 followed by a telephone number that citizens may call to obtain  
13 information on the ballot measure; and

14       ~~((+10))~~ (j) The full text of the measure(~~(+~~  
15       ~~(11)~~ ~~Two pages shall be provided in the general election voters'~~  
16 ~~pamphlet for each measure for an advisory vote of the people under RCW~~  
17 ~~43.135.041 and shall consist of the serial number assigned by the~~  
18 ~~secretary of state under RCW 29A.72.040, the short description~~  
19 ~~formulated by the attorney general under RCW 29A.72.283, the tax~~  
20 ~~increase's most up-to-date ten-year cost projection, including a~~  
21 ~~year-by-year breakdown, by the office of financial management under RCW~~  
22 ~~43.135.031, and the names of the legislators, and their contact~~  
23 ~~information, and how they voted on the increase upon final passage so~~  
24 ~~they can provide information to, and answer questions from, the public.~~  
25 ~~For the purposes of this subsection, "names of legislators, and their~~  
26 ~~contact information" includes each legislator's position (senator or~~  
27 ~~representative), first name, last name, party affiliation (for example,~~  
28 ~~Democrat or Republican), city or town they live in, office phone~~  
29 ~~number, and office e-mail address)).~~

30       **Sec. 5.** RCW 29A.72.040 and 2008 c 1 s 7 are each amended to read  
31 as follows:

32       The secretary of state (~~shall~~) must give a serial number to each  
33 initiative, referendum bill, or referendum measure, (~~or measure for an~~  
34 ~~advisory vote of the people,~~) using a separate series for initiatives  
35 to the legislature, initiatives to the people, referendum bills, and  
36 referendum measures, (~~and measures for an advisory vote of the~~  
37 ~~people,~~) and forthwith transmit one copy of the measure proposed



1 bearing its serial number to the attorney general. Thereafter a  
2 measure (~~shall~~) must be known and designated on all petitions,  
3 ballots, and proceedings as "Initiative Measure No. . . . .," "Referendum  
4 Bill No. . . . .," or "Referendum Measure No. . . . .(~~, "or "Advisory Vote~~  
5 ~~No. . . . .~~)"

6 **Sec. 6.** RCW 29A.72.250 and 2008 c 1 s 10 are each amended to read  
7 as follows:

8 If a referendum or initiative petition for submission of a measure  
9 to the people is found sufficient, the secretary of state (~~shall~~)  
10 must at the time and in the manner that he or she certifies for the  
11 county auditors of the various counties the names of candidates for  
12 state and district officers certify to each county auditor the serial  
13 numbers and ballot titles of the several initiative and referendum  
14 measures (~~and serial numbers and short descriptions of measures~~  
15 ~~submitted for an advisory vote of the people~~) to be voted upon at the  
16 next ensuing general election or special election ordered by the  
17 legislature.

18 **Sec. 7.** RCW 29A.72.290 and 2008 c 1 s 11 are each amended to read  
19 as follows:

20 The county auditor of each county shall print on the official  
21 ballots for the election at which initiative and referendum measures  
22 (~~and measures for an advisory vote of the people~~) are to be submitted  
23 to the people for their approval or rejection, the serial numbers and  
24 ballot titles certified by the secretary of state (~~and the serial~~  
25 ~~numbers and short descriptions of measures for an advisory vote of the~~  
26 ~~people~~). They must appear under separate headings in the order of the  
27 serial numbers as follows:

28 (1) Measures proposed for submission to the people by initiative  
29 petition will be under the heading, "Proposed by Initiative Petition";

30 (2) Bills passed by the legislature and ordered referred to the  
31 people by referendum petition will be under the heading, "Passed by the  
32 Legislature and Ordered Referred by Petition";

33 (3) Bills passed and referred to the people by the legislature will  
34 be under the heading, "Proposed to the People by the Legislature";

35 (4) Measures proposed to the legislature and rejected or not acted

1 upon will be under the heading, "Proposed to the Legislature and  
2 Referred to the People";

3 (5) Measures proposed to the legislature and alternative measures  
4 passed by the legislature in lieu thereof will be under the heading,  
5 "Initiated by Petition and Alternative by Legislature"((÷

6 ~~(6) Measures for an advisory vote of the people under RCW~~  
7 ~~29A.72.040 will be under the heading, "Advisory Vote of the People))."~~

8 NEW SECTION. **Sec. 8.** The following acts or parts of acts are each  
9 repealed:

10 (1) RCW 43.135.041 (Tax legislation--Advisory vote--Duties of the  
11 attorney general and secretary of state--Exemption) and 2008 c 1 s 6;

12 (2) RCW 29A.72.283 (Advisory vote on tax legislation--Short  
13 description) and 2008 c 1 s 8; and

14 (3) RCW 29A.72.285 (Advisory vote on tax legislation--Short  
15 description filing and transmittal) and 2008 c 1 s 9.

16 NEW SECTION. **Sec. 9.** If any provision of this act or its  
17 application to any person or circumstance is held invalid, the  
18 remainder of the act or the application of the provision to other  
19 persons or circumstances is not affected.

20 NEW SECTION. **Sec. 10.** This act is necessary for the immediate  
21 preservation of the public peace, health, or safety, or support of the  
22 state government and its existing public institutions, and takes effect  
23 immediately.

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