
SUBSTITUTE SENATE BILL 5126

State of Washington

62nd Legislature

2011 Regular Session

By Senate Ways & Means (originally sponsored by Senators Kilmer, Tom, Murray, Kastama, Rockefeller, Keiser, Conway, Regala, Hobbs, Shin, and McAuliffe)

READ FIRST TIME 02/25/11.

1 AN ACT Relating to compensation adjustments for government
2 officials; amending RCW 35.21.015, 36.17.024, 35.23.091, 35A.13.040,
3 and 43.03.310; and providing a contingent effective date.

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

5 **Sec. 1.** RCW 35.21.015 and 2001 c 73 s 4 are each amended to read
6 as follows:

7 (1) Salaries for elected officials of towns and cities may be set
8 by salary commissions established in accordance with city charter or by
9 ordinance and in conformity with this section.

10 (2) The members of such commissions shall be appointed in
11 accordance with the provisions of a city charter, or as specified in
12 this subsection:

13 (a) Shall be appointed by the mayor with approval of the city
14 council;

15 (b) May not be appointed to more than two terms;

16 (c) May only be removed during their terms of office for cause of
17 incapacity, incompetence, neglect of duty, or malfeasance in office or
18 for a disqualifying change of residence; and

1 (d) May not include any officer, official, or employee of the city
2 or town or any of their immediate family members. "Immediate family
3 member" as used in this subsection means the parents, spouse, siblings,
4 children, or dependent relatives of the officer, official, or employee,
5 whether or not living in the household of the officer, official, or
6 employee.

7 (3) Any change in salary shall be filed by the commission with the
8 city clerk and shall become effective and incorporated into the city or
9 town budget without further action of the city council or salary
10 commission.

11 (4) Any change in salary (~~increases~~) established by the
12 commission shall be effective as to all city or town elected officials,
13 regardless of their terms of office.

14 (~~Salary decreases established by the commission shall become~~
15 ~~effective as to incumbent city or town elected officials at the~~
16 ~~commencement of their next subsequent terms of office.~~

17 ~~(6)~~) Salary increases and decreases shall be subject to referendum
18 petition by the people of the town or city in the same manner as a city
19 ordinance upon filing of such petition with the city clerk within
20 thirty days after filing of the salary schedule. In the event of the
21 filing of a valid referendum petition, the salary increase or decrease
22 shall not go into effect until approved by vote of the people.

23 ~~((7))~~ (6) Referendum measures under this section shall be
24 submitted to the voters of the city or town at the next following
25 general or municipal election occurring thirty days or more after the
26 petition is filed, and shall be otherwise governed by the provisions of
27 the state Constitution, or city charter, or laws generally applicable
28 to referendum measures.

29 ~~((8))~~ (7) The action fixing the salary by a commission
30 established in conformity with this section shall supersede any other
31 provision of state statute or city or town ordinance related to
32 municipal budgets or to the fixing of salaries.

33 ~~((9))~~ (8) Salaries for mayors and councilmembers established
34 under an ordinance or charter provision in existence on July 22, 2001,
35 that substantially complies with this section shall remain in effect
36 unless and until changed in accordance with such charter provision or
37 ordinance.

1 **Sec. 2.** RCW 36.17.024 and 2001 c 73 s 5 are each amended to read
2 as follows:

3 (1) Salaries for county commissioners and councilmembers may be set
4 by county commissioner and councilmember salary commissions established
5 by ordinance or resolution of the county legislative authority and in
6 conformity with this section.

7 (2) Commissions established under subsection (1) of this section
8 shall be known as the (Insert name of county) county citizens'
9 commission on salaries for elected officials. Each commission shall
10 consist of ten members appointed by the county commissioner or
11 executive with the approval of the county legislative authority, or by
12 a majority vote of the county legislative authority if there is no
13 single county commissioner or executive, as provided in this section.

14 (a) Six of the ten commission members shall be selected by lot by
15 the county auditor from among those registered voters eligible to vote
16 at the time persons are selected for appointment to full terms on the
17 commission under (c) of this subsection. In noncharter counties, the
18 county auditor shall select two commission members living in each
19 commissioner's district. The county auditor shall establish policies
20 and procedures for conducting the selection by lot. The policies and
21 procedures shall include, but not be limited to, those for notifying
22 persons selected and for providing a new selection from a
23 commissioner's district if a person selected from the district declines
24 appointment to the commission or if, following the person's
25 appointment, the person's position on the commission becomes vacant
26 before the end of the person's term of office.

27 (b) The remaining four of the ten commission members must be
28 residents of the county and shall be appointed by the county
29 commissioner or executive with approval of the county legislative
30 authority, or by a majority vote of the county legislative authority if
31 there is no single county commissioner or executive. The persons
32 selected under this subsection shall have had experience in the field
33 of personnel management. Of these four members, one shall be selected
34 from each of the following four sectors in the county: Business,
35 professional personnel management, legal profession, and organized
36 labor.

37 (c) If there is a single county commissioner or executive, the

1 county auditor shall forward the names of persons selected under (a) of
2 this subsection to the county commissioner or executive who shall
3 appoint these persons to the commission.

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

10 (e) The members of the commission may not include any officer,
11 official, or employee of the county or any of their immediate family
12 members. "Immediate family member" as used in this subsection means
13 the parents, spouse, siblings, children, or dependent relatives of the
14 officer, official, or employee, whether or not living in the household
15 of the officer, official, or employee.

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

21 (3) Any change in salary shall be filed by the commission with the
22 county auditor and shall become effective and incorporated into the
23 county budget without further action of the county legislative
24 authority or salary commission.

25 (4) Any change in salary (~~increases~~) established by the
26 commission shall be effective as to county commissioners and all
27 members of the county legislative authority, regardless of their terms
28 of office.

29 (~~5) ((Salary decreases established by the commission shall become
30 effective as to incumbent county commissioners and councilmembers at
31 the commencement of their next subsequent terms of office.~~

32 ~~(6))~~) Salary increases and decreases shall be subject to referendum
33 petition by the people of the county in the same manner as a county
34 ordinance upon filing of such petition with the county auditor within
35 thirty days after filing of the salary schedule. In the event of the
36 filing of a valid referendum petition, the salary increase or decrease
37 shall not go into effect until approved by vote of the people.

1 ((+7)) (6) Referendum measures under this section shall be
2 submitted to the voters of the county at the next following general or
3 municipal election occurring thirty days or more after the petition is
4 filed, and shall be otherwise governed by the provisions of the state
5 Constitution and laws generally applicable to referendum measures.

6 ((+8)) (7) The action fixing the salary of a county commissioner
7 or councilmember by a commission established in conformity with this
8 section shall supersede any other provision of state statute or county
9 ordinance related to municipal budgets or to the fixing of salaries of
10 county commissioners and councilmembers.

11 ((+9)) (8) Salaries for county commissioners and councilmembers
12 established under an ordinance or resolution of the county legislative
13 authority in existence on July 22, 2001, that substantially complies
14 with this section shall remain in effect unless and until changed in
15 accordance with such charter provision or ordinance.

16 **Sec. 3.** RCW 35.23.091 and 1990 c 212 s 1 are each amended to read
17 as follows:

18 The mayor and the members of the city council may be reimbursed for
19 actual expenses incurred in the discharge of their official duties,
20 upon presentation of a claim therefor, after allowance and approval
21 thereof, by resolution of the city council; and each city councilmember
22 may be paid for attending council meetings an amount which shall be
23 fixed by ordinance and may be revised from time to time by ordinance,
24 but any increase (~~or reduction~~) in the compensation attaching to an
25 office shall not be applicable to the term then being served by the
26 incumbent.

27 The city attorney, clerk and treasurer, if elective, shall
28 severally receive at stated times a compensation to be fixed by
29 ordinance by the city council.

30 The mayor and other officers shall receive such compensation as may
31 be fixed by the city council at the time the estimates are made as
32 provided by law.

33 Any city that provides a pension for any of its employees under a
34 plan not administered by the state must notify the state auditor of the
35 existence of the plan at the time of an audit of the city by the
36 auditor. No city may establish a pension plan for its employees that
37 is not administered by the state, except that any defined contribution

1 plan in existence as of January 1, 1990, is deemed to have been
2 authorized. No city that provides a defined contribution plan for its
3 employees as authorized by this section may make any material changes
4 in the terms or conditions of the plan after June 7, 1990.

5 **Sec. 4.** RCW 35A.13.040 and 2009 c 549 s 3021 are each amended to
6 read as follows:

7 The salaries of the councilmembers, including the mayor, shall be
8 fixed by ordinance and may be revised from time to time by ordinance,
9 but any increase (~~(or reduction)~~) in the compensation attaching to an
10 office shall not become effective until the expiration of the term then
11 being served by the incumbent: PROVIDED, That compensation of
12 councilmembers may not be increased (~~(or diminished)~~) after their
13 election nor may the compensation of the mayor be increased (~~(or~~
14 ~~diminished)~~) after the mayor has been chosen by the council.

15 Until councilmembers of a newly organized council-manager code city
16 may lawfully be paid as provided by salary ordinance, such
17 councilmembers shall be entitled to compensation in the same manner and
18 in the same amount as councilmembers of such city prior to the adoption
19 of this council-manager plan.

20 Until a salary ordinance can be passed and become effective as to
21 elective officers of a newly incorporated code city, the first
22 councilmembers shall be entitled to compensation as follows: In cities
23 having less than five thousand inhabitants--twenty dollars per meeting
24 for not more than two meetings per month; in cities having more than
25 five thousand but less than fifteen thousand inhabitants--a salary of
26 one hundred and fifty dollars per calendar month; in cities having more
27 than fifteen thousand inhabitants--a salary of four hundred dollars per
28 calendar month. A councilmember who is occupying the position of
29 mayor, in addition to his or her salary as a councilmember, shall be
30 entitled, while serving as mayor, to an additional amount per calendar
31 month, or portion thereof, equal to twenty-five percent of the
32 councilmember salary: PROVIDED, That such interim compensation shall
33 remain in effect only until a salary ordinance is passed and becomes
34 effective as to such officers, and the compensation provided herein
35 shall not be construed as fixing the usual compensation of such
36 officers. Councilmembers shall receive reimbursement for their actual
37 and necessary expenses incurred in the performance of the duties of

1 their office, or the council by ordinance may provide for a per diem
2 allowance. Procedure for approval of claims for expenses shall be as
3 provided by ordinance.

4 **Sec. 5.** RCW 43.03.310 and 2009 c 564 s 925 are each amended to
5 read as follows:

6 (1) The citizens' commission on salaries for elected officials
7 shall study the relationship of salaries to the duties of members of
8 the legislature, all elected officials of the executive branch of state
9 government, and all judges of the supreme court, court of appeals,
10 superior courts, and district courts, and shall fix the salary for each
11 respective position.

12 (2) Except as provided otherwise in RCW 43.03.305 and this section,
13 the commission shall be solely responsible for its own organization,
14 operation, and action and shall enjoy the fullest cooperation of all
15 state officials, departments, and agencies.

16 (3) Members of the commission shall receive no compensation for
17 their services, but shall be eligible to receive a subsistence
18 allowance and travel expenses pursuant to RCW 43.03.050 and 43.03.060.

19 (4) The members of the commission shall elect a chair from among
20 their number. The commission shall set a schedule of salaries by an
21 affirmative vote of not less than nine members of the commission.

22 (5) The commission shall file its initial schedule of salaries for
23 the elected officials with the secretary of state no later than (~~the~~
24 ~~first Monday in June, 1987, and shall file a schedule~~) October 1st
25 biennially (~~thereafter~~), or more frequently as necessary to implement
26 Article XXX, section 1 of the state Constitution. Each such schedule
27 shall be filed in legislative bill form, shall be assigned a chapter
28 number and published with the session laws of the legislature, and
29 shall be codified by the statute law committee. The signature of the
30 chair of the commission shall be affixed to each schedule submitted to
31 the secretary of state. The chair shall certify that the schedule has
32 been adopted in accordance with the provisions of state law and with
33 the rules, if any, of the commission. Such schedules shall become
34 effective ninety days after the filing thereof, except as provided in
35 Article XXVIII, section 1 of the state Constitution. State laws
36 regarding referendum petitions shall apply to such schedules to the

1 extent consistent with Article XXVIII, section 1 of the state
2 Constitution.

3 (6) Before the filing of any salary schedule, the commission shall
4 first develop a proposed salary schedule and then hold no fewer than
5 four regular meetings as defined by chapter 42.30 RCW to take public
6 testimony on the proposed schedule within the four months immediately
7 preceding the filing. In the 2009-2011 fiscal biennium, the commission
8 shall hold no more than two regular meetings as defined by chapter
9 42.30 RCW to take public testimony on the proposed schedule within the
10 four months immediately preceding the filing. At the last public
11 hearing that is held as a regular meeting on the proposed schedule, the
12 commission shall adopt the salary schedule as originally proposed or as
13 amended at that meeting that will be filed with the secretary of state.

14 (7) All meetings, actions, hearings, and business of the commission
15 shall be subject in full to the open public meetings act, chapter 42.30
16 RCW.

17 (8) Salaries of the officials referred to in subsection (1) of this
18 section that are in effect on January 12, 1987, shall continue until
19 modified by the commission under this section.

20 NEW SECTION. **Sec. 6.** This act takes effect if the proposed
21 amendment to Article XXX, section 1 of the state Constitution
22 authorizing salaries of state, county, and municipal officials to be
23 diminished during the term of office is validly submitted to and is
24 approved and ratified by the voters at the next general election. If
25 the proposed amendment is not approved and ratified, this act is void
26 in its entirety.

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