



House Joint Resolution 55

PROPOSED CONSTITUTIONAL AMENDMENT

Vote cast by the members of the 1977 Legislature on final passage:
HOUSE [98 members]: Yeas, 84; Nays, 3; Absent or not voting, 11.
SENATE [49 members]: Yeas, 40; Nays, 3; Absent or not voting, 6.

Statement for

The Constitution requires the Legislature to establish "reasonable maximum" transportation rates. The Utilities and Transportation Commission (WUTC) has been designated by law to perform the rate setting function. Regulated carriers are required to follow the rates set by WUTC.

In some cases the use of a maximum rate has worked to the detriment of the consumer. If there is sufficient competition for a particular type of shipping, then a maximum limit is not needed; but only a minimum limit to prevent predatory pricing that would drive some carriers out and reduce competition. In some instances it may be that even the minimum rate is not needed.

If the Constitutional requirement is removed, then the Legislature and the Commission could determine where it is best to use rates other than maximum rates and, in some instances, no rate would need to be established.

At the time this provision was placed in the Constitution, there was no statutory protection against discriminatory abuses by the only available carriers—the railroads. Since then, a complex regulatory system has evolved including statutes, rules, and court decisions. In addition, there are several different types of transportation available. Therefore, the Constitution should be amended to remove specific requirements directed at particular problems, while retaining the overall regulatory authority so that the Legislature, the Commission, and the courts have the ability to deal with changing conditions to best serve the public.

No testimony was offered in opposition to the proposed Constitutional change.

Official Ballot Title:

Shall the legislature be authorized, but not required, to establish reasonable transportation rates for both passengers and freight?

The Law as it now exists:

The constitution now requires the legislature to pass laws establishing reasonable *maximum* rates for the transportation of passengers and freight by common carriers.

Rebuttal of Statement against

The objectives being sought by the opponents of H.J.R. 55 are precisely those that will be achieved by voting for the Constitutional change. Naturally the public wants to encourage efficient transportation service at the lowest cost.

The opponents' closing sentence should be restated — we *should* change the present system to allow the Commission to be responsive to the economic demands of consumers.

Voters' Pamphlet Statement Prepared by:

PAUL H. CONNER, State Representative; AL HENRY, State Senator;
GEORGE SELLAR, State Senator.

The effect of HJR 55, if approved into Law:

This proposed constitutional amendment would remove the requirement that the legislature pass laws establishing reasonable *maximum* rates for the transportation of passengers and freight by common carriers. Instead, it would authorize the legislature to pass laws establishing reasonable rates for the transportation of passengers and freight by common carriers without the necessity of such rates being designated as maximum rates.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of House Joint Resolution 55 begins on Page 38.

Statement against

HJR 55 would eliminate the present constitutional requirement that the Legislature set maximum rates which could be charged for transportation of goods and people within Washington state. It would instead allow (but not require) the legislature to fix the rates at a specified level. Perhaps the difference is somewhat subtle but the concept presently embodied in the constitution was meant to prevent price gouging or profiteering while allowing companies to compete by setting their rates at any level below the maximum. Under HJR 55, bus or freight companies who are more efficient or who are willing to make less profit could not charge lower prices and thus benefit consumers. Although the Legislature often gets pressure from businesses to restrict competition, we must remember that our system of competitive pricing has contributed immeasurably to our high standard of living. We should not chip away at our economic system by constitutionally allowing prices to be set by the legislature, possibly in an atmosphere of high pressure lobbying, rather than by the demands of consumers.

Rebuttal of Statement for

Although it is understandable that some established companies would support limiting the ability of their competitors to offer lower prices, this measure is in direct conflict with consumer interests. Arguments implying the use of rates other than maximum are confusing because governmentally set rates are both maximum as well as minimum. Rate setting by bureaucrats is presently losing favor on a national level as evidenced by the current moves toward deregulation of airline fares.

Voters' Pamphlet Statement Prepared by:
RICHARD O. BARNES, State Representative.

chapter. Decisions of the department, other than rule making, shall be subject to review in accordance with chapter 43.21B RCW.

NEW SECTION. Sec. 9. This chapter is exempted from the rule of strict construction and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

NEW SECTION. Sec. 10. If any provision of this act, or its application to any person, organization, or circumstance is held invalid or unconstitutional, the remainder of the act, or the application of the provision to other persons, organizations, or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall constitute a new chapter in Title 90 RCW.



COMPLETE TEXT OF

Senate Joint Resolution 113

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, amendments to Article IV, section 6, and Article IV, section 10, of the Constitution of the state of Washington, so that said sections shall read as follows:

Article IV, section 6. The superior court shall have original jurisdiction in all cases in equity and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to ~~((one))~~ three thousand dollars or as otherwise determined by law, or a lesser sum in excess of the jurisdiction granted to justices of the peace and other inferior courts, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.

Article IV, section 10. The legislature shall determine the number of justices of the peace to be elected and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: PROVIDED, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. Justices of the peace shall have original jurisdiction in cases where the demand or value of the property in controversy is less than three hundred dollars or such greater sum, not to exceed ~~((one))~~ three thousand dollars or as otherwise determined by law, as shall be prescribed by the legislature. In incorporated cities or towns having more than five thousand inhabitants, the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.



COMPLETE TEXT OF

House Joint Resolution 55

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XII of the state Constitution by amending section 18 thereof to read as follows:

Article XII, section 18. The legislature ~~((shall))~~ may pass laws establishing reasonable ~~((maximum))~~ rates of charges for the transportation of passengers and freight, and to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.



COMPLETE TEXT OF

House Joint Resolution 56

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XII of the state Constitution by amending section 15 thereof to read as follows:

Article XII, section 15. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state, or coming from or going to any other state. ~~((Persons and property transported over any railroad, or by any other transportation company, or individual, shall be delivered at any station, landing or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing. Excursion and commutation tickets may be issued at special rates.))~~

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.



COMPLETE TEXT OF

House Joint Resolution 57

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XII of the state Constitution by repealing section 14 thereof in its entirety.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.