



House Joint Resolution 56

PROPOSED CONSTITUTIONAL AMENDMENT

Vote cast by the members of the 1977 Legislature on final passage:
HOUSE [98 members]: Yeas, 88; Nays, 1; Absent or not voting, 9.
SENATE [49 members]: Yeas, 43; Nays, 1; Absent or not voting, 5.

Statement for

The Constitution says that a rate for a shorter distance cannot be greater than a rate for a longer distance, if it involves the same type of goods going in the same direction.

The mileage requirement was used to prevent discrimination in a time when costs were primarily related to distance. Now, however, many other factors are involved, such as labor costs, specialized shipping containers, assembly and distribution centers, different long and short-haul vehicles, etc. For example, a common practice now at major shipping points is the use of a distribution, or "break-bulk" center. Full unit shipments are sent from one center to another, then broken up for delivery to nearby points. This kind of system provides the most economical transportation, but the costs are not directly related to mileage.

If the Constitutional prohibition on short-haul differential is removed, then the rates can be set to reflect *actual cost* rather than relying primarily on mileage only.

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 constitutional provision that transportation charges to given destinations may never exceed charges to more distant destinations be repealed?

The Law as it now exists:

The constitution now requires that a person or property transported by any common carrier be delivered to its destination at a charge not greater than that charged to more distant destinations in the same direction. That provision, generally known as a long-short haul clause, makes distance the primary consideration in setting charges for transportation.

Rebuttal of Statement against

The economics of truck transportation today is no longer mainly determined by the length of the haul. Now, the service is provided more cheaply and more efficiently by moving full trucks between major shipping areas, then breaking the loads down into smaller truckloads for movement to the suburbs and smaller towns.

Given other controls, there is no danger that rebates or price gouging, against which this Constitutional provision was originally aimed, could be practiced.

Voters' Pamphlet Statement Prepared by:

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

The effect of HJR 56, if approved into Law:

The proposed constitutional amendment would remove the existing constitutional restriction. It would thus permit charges for transporting persons or property to be governed by legislation which would allow greater consideration of factors other than mileage alone.

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 56 begins on Page 38.

Statement against

The "long-short" haul clause was inserted in the Constitution to avoid rate discrimination against shippers and the general public. The intent of the clause was to insure that rates would be primarily based on the distance from the shipping point, and would not allow charging more for a shorter distance than for a longer distance over the same route.

This clause has provided a protection against assessing different rates to different shippers and shipping points. Repeal of this Constitutional protection would open the door to major problems. Freight rates could be established on any basis and would be subject to the different and changing attitudes of the Legislature and the Utilities and Transportation Commission.

Most importantly, the repeal of the long-short haul clause could detrimentally affect the smaller communities. Their distance from shipping points would be less a factor in setting the rates than the direct cost of transportation to the communities. Metropolitan communities would probably not benefit, but smaller communities could be adversely impacted.

The long-short haul clause is an important protection that has served the public well and it should not be repealed. Rate discrimination should continue to be constitutionally prohibited.

Rebuttal of Statement for

The long-short haul clause protects the communities most distant from shipping centers from rate discrimination. Mileage expenses are still a major cost of transportation.

Repeal of the Constitutional protection would leave matters affecting rates almost totally in the hands of the Legislature and the Utilities and Transportation Commission. Such discretionary rate setting authority could result in increased transportation rates to the rural communities.

Voters' Pamphlet Statement Prepared by:
IRVING NEWHOUSE, 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.