



HOUSE JOINT RESOLUTION 49

PROPOSED CONSTITUTIONAL AMENDMENT

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of House Joint Resolution 49 begins on page 20.

Vote cast by the 1986 Legislature on final passage:
HOUSE: Yeas, 68; Nays, 30; Absent or not voting, 0.
SENATE: Yeas, 34; Nays, 11; Absent or not voting, 4.

Statement for

LET THE PEOPLE DECIDE

State elected officials and judges are servants of the people. The people should decide their compensation.

The proposal would give an independent citizens' commission the power to set salaries. The majority of commission members would be people like you, randomly chosen from a statewide list of registered voters. Other commission members would have experience in personnel and salary management. State officials, lobbyists and their families would not be allowed to serve on the commission.

The people would have the final say. After the commission makes a decision, the people would have the power to change it by filing a referendum.

In 1983, the voters wisely decided that the people, not legislators, should have the power to draw legislative district boundaries. The redistricting commission met in 1983 and the process worked. It's time to do the same with salaries.

WE NEED A FAIR AND OPEN PROCESS

The salaries of elected officials should be based on realistic, objective standards and not on political considerations. Under current law, members of the Legislature set their own salaries. This presents an obvious and unavoidable conflict of interest.

An independent citizens' commission would set salary levels solely according to the needs of the state. The potential for the Legislature to act out of self-interest or political motivation would be removed.

Commission decisions would be reached in public hearings. The perception that politicians meet behind closed doors to give themselves a raise would be eliminated.

Official Ballot Title:

Shall the Constitution be amended to authorize an independent commission to set salaries of legislators, judges, and state elected officials?

The law as it now exists:

Salaries for legislators, state elected officials, and judges of the state's courts, including the district courts, are established by the Legislature. The Constitution now provides that those salaries cannot be decreased during term of office but, except for legislators, the salaries can be increased during term of office.

Rebuttal of Statement against

The opposition insults the intelligence of Washington citizens. The eight citizen members of the commission would have the ability and votes to either raise or lower salaries. No one would dominate them. The citizen members and the possibility of a referendum would stop any undue salary increase. Salary levels would become more, not less, dependent on the will of all the voters rather than just legislators. Vote **yes!**

For additional information, call (206) 525-8843.

Voters Pamphlet Statement Prepared by:

R. TED BOTTIGER, State Senator; RUTH FISHER, State Representative; RICHARD BARRETT, State Representative.

Advisory Committee: DAN EVANS, U.S. Senator; WAYNE EHLERS, State Representative; JOLENE UNSOELD, State Representative; JIM LEWIS, State Representative; GERALD POLLET, Executive Director, Washington Public Interest Research Group (Wash PIRG).

Voters can exercise the initiative power to change the salaries of those officials, but a referendum is not available.

The effect of HJR 49, if approved into law:

The salary-setting function of the Legislature would be constitutionally removed from that body and vested in an independent commission. The constitutional amendment provides that the independent commission is to be created by law and no person who is a state official, public employee, or person required to register as a lobbyist nor any immediate family member of such persons can serve as a member of the independent commission.

The Legislature, in anticipation of the approval of this constitutional amendment, has already provided by statute that the commission shall consist of fifteen members, eight of whom, one from each congressional district, shall be selected at lot from registered voters of the state. The remaining seven members are to be appointed jointly by the Speaker of the House and the President of the Senate. Included in the seven to be appointed is one person

Statement against

LAWMAKERS SHOULD BE ACCOUNTABLE

Legislators should not receive huge salary increases by hiding behind a commission. This proposed change would allow lawmakers to obtain pay raises without answering to the voters as our state Constitution presently requires. Proving this is not necessary, a moderate increase was enacted this year under present law. The change would also take part of the budget, which they must balance, out of their control.

COMMISSION NOT REALLY INDEPENDENT

The commission as set up by the already passed implementing legislation, could in no way be considered "independent". The ballot title is misleading. Seven of the members would be appointed by two powerful legislators, the House Speaker and the Lieutenant Governor. Their influence would certainly overwhelm citizen members chosen by lot and would directly cater to wishes of their sponsors.

IMPROVING THE LAW ALMOST IMPOSSIBLE

Other legislators, realizing the undue control by two people whose salaries would be set by their own appointees, may want to correct the situation. However, changing the appointing process of the commission will be almost impossible because a two-thirds vote of both houses would be required if this were voted into our Constitution.

CITIZEN LEGISLATORS OR PROFESSIONAL POLITICIANS—WHO DECIDES?

Whether we have citizen legislators or professional politicians running our state will depend on the level of pay which will be fixed by the commission. This is a decision

nominated by the chairman of the state personnel board, one selected by a majority vote of the presidents of the four-year state colleges and universities, one from business, one from the legal profession, one from private higher education, one from organized labor and one from personnel management. The members would serve four-year terms with a maximum of two terms. This constitutional amendment provides that no change can be made to the law establishing the commission which alters its composition unless approved by two-thirds of the members of each house of the legislature.

The independent commission would be authorized by this constitutional amendment to increase or decrease salaries of legislators, state elected officials, and judges of the state's courts including the district courts. The commission's changes in those salaries become effective ninety days after the commission files the salary changes with the Secretary of State. During that ninety-day period a referendum would be available to the voters of the state.

which should be made by the whole body of legislators, representing all of the voters, not by a commission dominated by political appointees.

Rebuttal of Statement for

Hiding behind another commission to fix elected officials salaries is no substitute for an open vote by the full Legislature as provided in our Constitution. The people should not be burdened with the cost of repeated referendums to keep officials salaries in line. Presently, legislators cannot receive a pay raise until re-elected by the voters who can hold them accountable. Our current constitutional system works well. Let's keep it. Vote **no** to HJR 49.

For additional information, call (206) 352-4446.

Voters Pamphlet Statement Prepared by:

DICK BARNES, State Representative; A. L. "SLIM" RASMUSSEN, State Senator; CHUCK SAUVAGE, Washington State Common Cause.

Advisory Committee: SAM C. GUESS, State Senator; RAY HILL, Master, Washington State Grange; JOHN BETROZOFF, State Representative; JEAN MARIE BROUGH, State Representative; JOE WILLIAMS, State Representative.

received, make the appointment within the time prescribed by statute.

(5) An otherwise qualified member of a county legislative authority is eligible to be appointed to fill a vacancy governed by this section only if the member does not vote in an action or joint action to fill the vacancy.

(6) The legislature shall prescribe the time limits within which the state and county central committees must submit lists of nominees, within which a county legislative authority or county legislative authorities must agree upon an appointment, and within which the governor must make appointments under the terms of this section. If lists of nominees are not timely received, the appointing authority may appoint any qualified person to fill the vacancy.

(7) A person appointed to fill a vacancy in a partisan office under this section shall hold office until a successor is elected at the next state general election as specified by statute and has been qualified.

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 49

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 XXVIII, section 1 of the Constitution of the state of Washington to read as follows:

Article XXVIII, section 1. (*All elected state officials shall each severally receive such compensation as the legislature may direct. The compensation of any state officer shall not be increased or diminished during his term of office, except that the legislature, at its thirty-first regular session, may increase or diminish the compensation of all state officers whose terms exist on the Thursday after the second Monday in January, 1949.*)

Salaries for members of the legislature, elected officials of the executive branch of state government, and judges of the state's supreme court, court of appeals, superior courts, and district courts shall be fixed by an independent commission created and directed by law to that purpose. No state official, public employee, or person required by law to register with a state agency as a lobbyist, or immediate family member of the official, employee, or lobbyist, may be a member of that commission.

As used in this section the phrase "immediate family" has the meaning that is defined by law.

Any change of salary shall be filed with the secretary of state and shall become law ninety days thereafter without action of the legislature or governor, but shall be subject to referendum petition by the people, filed within the ninety-day period. Referendum measures under this section shall be submitted to the people at the next following general election, and shall be otherwise governed by the provisions of this Constitution generally applicable to referendum

measures. The salaries fixed pursuant to this section shall supersede any other provision for the salaries of members of the legislature, elected officials of the executive branch of state government, and judges of the state's supreme court, court of appeals, superior courts, and district courts. The salaries for such officials in effect on January 12, 1987, shall remain in effect until changed pursuant to this section.

After the initial adoption of a law by the legislature creating the independent commission, no amendment to such act which alters the composition of the commission shall be valid unless the amendment is enacted by a favorable vote of two-thirds of the members elected to each house of the legislature and is subject to referendum petition.

The provisions of section 14 of Article IV, sections 14, 16, 17, 19, 20, 21, and 22 of Article III, and section 23 of Article II, insofar as they are inconsistent herewith, are hereby (*repealed*) superseded. The provisions of section 1 of Article II relating to referendum procedures, insofar as they are inconsistent herewith, are hereby superseded with regard to the salaries governed by this section.

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 VII, section 2 of the Constitution of the state of Washington to read as follows:

Article 7, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one per centum of the true and fair value of such property in money: PROVIDED, HOWEVER, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing