

Initiative Measure No. 528

Filed September 27, 2012

SAVE THE 2/3'S VOTE FOR TAX INCREASES (AGAIN)

COMPLETE TEXT

AN ACT Relating to taxes and fees imposed by state government; amending RCW 43.135.031 and 43.135.041; creating a new section in chapter 43.135 RCW; and creating new sections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

INTENT

NEW SECTION. **Sec. 1.** The people intend by this act to affirm their support for the policies embodied in Initiative 1185, approved by voters in 2012, Initiative 1053, approved by voters in 2010 and Initiative 960, approved by voters in 2007. The people insist that tax increases receive either two-thirds legislative approval or voter approval and fee increases receive a simple majority vote. These important policies ensure that taxpayers will be protected and that taking more of the people's money will always be an absolute last resort.

PROTECTING TAXPAYERS BY REQUIRING THE LEGISLATURE TO ABIDE BY THE LEGISLATIVE TRANSPARENCY ACT FOR BILLS THAT INCREASE TAXES

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.135 RCW and reads as follows:

(1) The legislature must abide by the following transparency policies:

(a) All bills introduced, and any proposed substitute, striking amendment, or conference committee report containing a tax increase or fee increase thereon, must be made publicly available to the members of the Legislature and the public at least seventy-two hours before such a bill is eligible for a public hearing, is eligible for

legislative action, or is eligible to be voted on by the senate or the house of representatives.

(b) At least seventy-two hours notice shall be given of all public hearings of any bill containing a tax increase or fee increase held by any legislative committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing.

(c) No bill containing a tax increase or fee increase shall be eligible for legislative action of any kind unless it has first been subject to a public hearing in the same session of consideration.

(d) No bill containing a tax increase or fee increase shall be eligible for legislative action on the floor of either the senate or house of representatives until forty-eight hours after it has been placed on the floor calendar.

(e) No bill containing a tax increase or fee increase shall be eligible for final passage in either house of the Legislature unless copies of the bill, in the final form to be passed, have been made available to the members of that house of the Legislature and the public for at least twenty-four hours.

(f) No bill containing a tax increase or fee increase shall be eligible for public hearing or legislative consideration of any kind unless the bill lays forth in full the changes to any act or sections of law. Title only bills related to a tax increase or fee increase shall be prohibited.

STATUTORY REFERENCE UPDATES

Sec. 3. RCW 43.135.031 and 2010 c 1 s 2 are each amended to read as follows:

(1) For any bill introduced in either the house of representatives or the senate that raises taxes as defined by (~~*RCW 43.135.035~~) subsection (7) or increases fees, the office of financial management must expeditiously determine its cost to the taxpayers in its first ten years of imposition, must promptly and without delay report the results of its analysis by public press

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

(2) Any time any legislative committee schedules a public hearing on a bill that raises taxes as defined by (~~*RCW 43.135.035~~) subsection (7) or increases fees, the office of financial management must promptly and without delay report the results of its most up-to-date analysis of the bill required by subsection (1) of this section and the date, time, and location of the hearing by public press release via e-mail to each member of the house of representatives, each member of the senate, the news media, and the public, and must post and maintain these releases on its web site. The press release required by this subsection must include all the information required by subsection (1) of this section and the names of the legislators, and their contact information, who are members of the legislative committee conducting the hearing so they can provide information to, and answer questions from, the public.

(3) Each time a bill that raises taxes as defined by (~~*RCW 43.135.035~~) subsection (7) or increases fees is approved by any legislative committee or by at least a simple majority in either the house of representatives or the senate, the office of financial management must expeditiously reexamine and redetermine its ten-year cost projection due to amendment or other changes during the legislative process, must promptly and without delay report the results of its most up-to-date analysis by public press release via e-mail to each member of the house of representatives, each member of the senate, the news media, and the public, and must post and maintain these releases on its web site. Any ten-year cost

projection must include a year-by-year breakdown. For any bill containing more than one revenue source, a ten-year cost projection for each revenue source will be included along with the bill's total ten-year cost projection. The press release shall include the names of the legislators, and their contact information, and how they voted on the bill so they can provide information to, and answer questions from, the public.

(4) For the purposes of this section, "names of legislators, and their contact information" includes each legislator's position (senator or representative), first name, last name, party affiliation (for example, Democrat or Republican), city or town they live in, office phone number, and office e-mail address.

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

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

(7) For the purposes of this chapter, "raises taxes" means any action or combination of actions by the state legislature that increases state tax revenue deposited in any fund, budget, or account, regardless of whether the revenues are deposited into the general fund.

Sec. 4. RCW 43.135.041 and 2010 c 4 s 3 are each amended to read as follows:

(1) (a) After July 1, 2011, if legislative action raising taxes as defined by (~~(*RCW 43.135.035)~~) subsection (5) is blocked from a public vote or is not referred to the people by a referendum petition found to be sufficient under RCW 29A.72.250, a measure for an advisory vote of the people is required and shall be placed on the next general election ballot under this chapter (~~(1, Laws of 2008)~~).

(b) If legislative action raising taxes enacted after July 1,

2011, involves more than one revenue source, each tax being increased shall be subject to a separate measure for an advisory vote of the people under the requirements of this chapter(~~(1, Laws of 2008)~~).

(2) No later than the first of August, the attorney general will send written notice to the secretary of state of any tax increase that is subject to an advisory vote of the people, under the provisions and exceptions provided by this chapter(~~(1, Laws of 2008)~~). Within five days of receiving such written notice from the attorney general, the secretary of state will assign a serial number for a measure for an advisory vote of the people and transmit one copy of the measure bearing its serial number to the attorney general as required by RCW 29A.72.040, for any tax increase identified by the attorney general as needing an advisory vote of the people for that year's general election ballot. Saturdays, Sundays, and legal holidays are not counted in calculating the time limits in this subsection.

(3) For the purposes of this section, "blocked from a public vote" includes adding an emergency clause to a bill increasing taxes, bonding or contractually obligating taxes, or otherwise preventing a referendum on a bill increasing taxes.

(4) If legislative action raising taxes is referred to the people by the legislature or is included in an initiative to the people found to be sufficient under RCW 29A.72.250, then the tax increase is exempt from an advisory vote of the people under this chapter(~~(1, Laws of 2008)~~).

(5) For the purposes of this chapter, "raises taxes" means any action or combination of actions by the state legislature that increases state tax revenue deposited in any fund, budget, or account, regardless of whether the revenues are deposited into the general fund.

CONSTRUCTION CLAUSE

NEW SECTION. **Sec. 5.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

SEVERABILITY CLAUSE

NEW SECTION. **Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

MISCELLANEOUS

NEW SECTION. **Sec. 7.** This act is known and may be cited as "Save The 2/3's Vote For Tax Increases (Again) Act."

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