

# HOUSE BILL REPORT

## HB 1084

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### As Passed Legislature

**Title:** An act relating to independent commissions to set salaries for city and town elected officials, and county commissioners and councilmembers.

**Brief Description:** Authorizing independent salary commissions for cities, towns, and counties.

**Sponsors:** By Representatives Ogden, Dunn, Boldt and Fromhold.

### Brief History:

#### Committee Activity:

Local Government & Housing: 2/12/01, 2/26/01 [DP].

#### Floor Activity:

Passed House: 3/13/01, 71-23.

Passed Senate: 4/6/01, 33-15.

Passed Legislature.

### Brief Summary of Bill

- Expressly authorizes cities, towns, and counties to create independent salary commissions to set salaries for city or town elected officials, county commissioners and county council members.
- Authorizes a process for referendum of local salary commissions' decisions.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

**Majority Report:** Do pass. Signed by 9 members: Representatives Dunshee, Democratic Co-Chair; Mielke, Republican Vice Chair; Berkey, Crouse, Dunn, Edmonds, Hatfield, Jarrett and Kirby.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Mulliken Republican Co-Chair; and DeBolt.

**Staff:** Scott MacColl (786-7106).

### Background:

The Washington State Constitution requires salaries of state legislators, officers and judges to be set by an independent commission. Article XXVIII, Sec. 1. of the Washington Constitution establishes an independent salary commission to fix salaries for members of the Legislature, elected officials of the executive branch of state government, and judges of the state supreme court, court of appeals, superior court and district courts. No state official, public employee, lobbyist, or any immediate family member of a state official, public employee, or lobbyist may serve on the salary commission. The constitutional salary commission provisions supersede conflicting state constitutional salary provisions for legislators, state officers and judges.

Salary changes established by the salary commission are filed with the Secretary of State and become effective ninety days after filing. Decisions of the salary commission are subject to referendum for a 90 day period.

The Washington Constitution also specifies that the salary of any county, city, town, or municipal officer may not be increased or decreased after the officer's election or during the officer's term of office unless these local officials do not fix their own compensation.

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### **Summary of Bill:**

Salaries of city and town elected officials may be set by salary commissions in accordance with city charter or by ordinance. The members of these local salary commissions are appointed by the mayor with the approval of the city council.

Counties are authorized to establish ten member independent salary commissions for county commissioners and council members by ordinance or by resolution of the county legislative authority. Six members are selected at random by the county auditor from the list of registered voters in the district. The remaining four members are appointed by the county executive or commissioner, or by a majority vote of the county legislative authority. These four members must have experience in the personnel management field, and represent each of the following four sectors: business, professional personnel management, legal, and organized labor.

Salary commission members may not be appointed to more than two terms. City and county officers, officials, and employees and their immediate family members are not eligible to serve on the salary commissions. Commission members may be removed during their terms only for incapacity, incompetence, neglect of duty, malfeasance in office or a disqualifying change of residence.

Salary changes determined by the local salary commission are filed and become effective and incorporated into the budget without further action. Salary increases may be effective during the term of office, but salary decreases become effective during the subsequent term.

Decisions of the local salary commissions are subject to referendum by filing a petition within 30 days in the same manner as an ordinance. If a valid referendum petition is filed, any challenged salary changes do not become effective until approved by the voters at the next general or municipal election occurring at least 30 days after the petition is filed.

Local salary commission decisions to fix salaries supersede other provisions of state statute or local ordinances related to municipal budgets or salaries for local officials.

Current salaries established under an ordinance or charter provision substantially complying with the salary commission requirements remain in effect unless and until changed according to the new requirements.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill comes at the request of the city of Vancouver. The authority would be optional, is currently available at the statewide level, and the city would feel more comfortable setting salaries this way. The local option is the right of local entities (cities and counties). Vancouver is one of three cities (the others being Everett and Bremerton) that have operated an independent salary commission. The city created the salary commission in 1994 through their city charter, and has worked very well for the city. However, in the past two years, the state auditor has raised concerns over the salary proceedings, and Vancouver feels that clarification in statute is necessary. Spokane County has created a salary commission through referendum, and now needs the legal authority to do what the voters have asked.

**Testimony Against:** None.

**Testified:** Rep. Odgen, co-prime sponsor; Rep. Dunn, co-prime sponsor; Mark Brown, city of Vancouver; and Bill Vogler, Washington State Association of Counties;