
Local Government Committee

BILL ANALYSIS ESSB 6690

TITLE OF THE BILL: *Clarifying authority for cities and towns to create independent salary commissions.*

BRIEF SUMMARY OF BILL

- Expressly authorizes and establishes processes for creation of local salary commissions to determine salaries of county and city elected officials.
- Specifies salary increases may be effective during term and salary decreases are effective at the beginning of the next term.
- Specifies process for and conditions of appointment to local salary commissions.
- Authorizes process for referendum of local salary commissions' decisions.

SPONSORS: Senate Committee on State & Local Government (originally sponsored by Senators McCaslin and Oke).

HEARING DATE: Wednesday, February 23, 2000.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill is passed.

FISCAL NOTE: Not requested.

ANALYSIS PREPARED BY: Caroleen Dineen (786-7156).

BACKGROUND:

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

The Washington Citizens' Commission on Salaries for Elected Officials (State Commission) is a 16-member commission appointed by the Governor. State Commission members serve no more than two terms and may be removed during their terms only for incapacity, incompetence, neglect of duty, malfeasance in office or a disqualifying change of residence. State officials, public employees, lobbyists and their immediate family members are not eligible to serve as State Commission members. "Immediate family members" include parents, spouse, siblings, children or dependent relatives.

Nine members of the State Commission are selected by lot by the Secretary of State from among registered voters within the state. Seven members with personnel management experience are selected jointly by the Speaker of the House of Representatives and the President of the Senate, including: (1) one from each of the following sectors -- private institutions of higher education; business; professional personnel management; legal profession; and organized labor; (2) one recommended by the Washington Personnel Resources Board; and (3) one recommended by a majority vote of the presidents of state four-year higher education institutions.

SUMMARY:

Salaries of county and city elected officials may be set by local salary commissions. Conditions of appointment and service are specified for both county and city salary commissions, and specific provisions related to each type of commission are included.

Legislative intent is added to clarify existing authority for independent salary commissions and to specify benefits of independent salary commissions for municipal elected officers.

Provisions Applicable to all Local Salary Commissions

Commission members may not be appointed to more than two terms. Commission members may be removed during their terms only for incapacity, incompetence, neglect of duty, malfeasance in office or a disqualifying change of residence. County or city officers, officials, and employees and their immediate family members are not eligible to serve on local salary commissions. "Immediate family members" include parents, spouse, siblings, children or dependent relatives of the officer, official, or employee.

Salary changes determined by the local salary commission are filed with the county auditor (for county officials) or city clerk (for city officials) and become effective without further action. Salary increases are effective during the term of office, but salary decreases become effective during the subsequent term.

Decisions of local salary commissions are subject to referendum within 30 days by filing a petition with the county clerk (for county salary commissions) or city clerk (for city salary commissions) in the same manner as a local 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 for county and city officials 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.

Provisions Applicable to City or Town Salary Commissions

City or town salary commissions are authorized to set salaries for all city or town elected officials. Members of a city or town salary commission are appointed in accordance with provisions of a city charter or by the mayor with the approval of the council.

Provisions Applicable to County Salary Commissions

County salary commissions are authorized to set salaries for county commissioners and council members, subject to the minimum annual salaries for county elected officials established by statute. County salary commissions consist of ten members appointed by the county commissioner or county executive or by a majority of the county legislative authority. The ten commission members include:

- six members selected by lot by the county auditor from among the county's registered voters (or two from each commissioner district in noncharter counties); and
- four members with personnel management experience, with one selected from each of the following four sectors: business, professional personnel management, legal profession, and organized labor.

A vacancy on the commission is to be filled by a successor selected and appointed within thirty days of the vacancy to serve the unexpired term.