

HOUSE BILL REPORT

HB 1812

As Reported by House Committee On:
Local Government & Housing

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

Brief Description: Clarifying authority for counties, cities, and towns to create independent salary commissions.

Sponsors: Representatives Schindler, Ahern, Crouse, Sump, Benson, Cox, Wood, Gombosky and Schoesler.

Brief History:

Committee Activity:

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

Brief Summary of Substitute Bill

- Expressly authorizes noncharter counties with over 410,000 population to create independent salary commissions to set salaries for county commissioners and county council members.
- Authorizes a process for referendum of local salary commissions' decisions.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Dunshee, Democratic Co-Chair; Mulliken, Republican Co-Chair; Mielke, Republican Vice Chair; Crouse, DeBolt, Dunn and Jarrett.

Minority Report: Do not pass. Signed by 4 members: Representatives Berkey, Edmonds, Hatfield and Kirby.

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 90 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 of during the officer's term or office unless these local officials do not fix their own compensation.

Summary of Substitute Bill:

Counties are authorized to establish 10 member independent salary commissions to set salaries 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. 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.

Substitute Bill Compared to Original Bill:

The authority to create independent salary commissions for cities, towns and counties is narrowed to include only non-charter counties with at least 410,000 or more population.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: With salary commission decisions, if the citizens decide change is not right, they can petition to put the decision to a vote. Spokane County put a referendum on the ballot regarding whether the citizens would like a salary commission, and over 75 percent said yes. 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: Representative Schindler, prime sponsor; and Bill Vogler, Washington State Association of Counties.