

# Initiative Measure No. 491

filed April 26, 2011

## **SAVE THE 2/3'S VOTE FOR TAX INCREASES AGAIN**

### **COMPLETE TEXT**

AN ACT Relating to tax and fee increases related to state government; amending RCW 43.135.055; adding new sections to chapter 43.135 RCW; creating new sections; and repealing RCW 43.135.034 and 43.135.035.

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

### **INTENT**

NEW SECTION.     **Sec. 1.**     This initiative should deter the governor and the legislature from sidestepping, suspending, or repealing any of Initiative 1053's policies. But regardless of legislative action taken concerning Initiative 1053's policies, the people intend, by the passage of this initiative, to reenact and extend the extra protection granted by the state Constitution to the policies in voter approved initiatives in the two years following their passage. The people insist that tax increases receive either two-thirds legislative approval or voter approval and fee increases be subjected to cost projections, public hearings, public input, and public legislative votes. Further, the people insist on requiring voter approval whenever the legislature tries to "pass the buck" to other governments or agencies to impose higher taxes or fees. These important policies ensure that taking more of the people's money will always be an absolute last resort.

**PROTECTING TAXPAYERS BY REQUIRING TAX INCREASES TO RECEIVE  
EITHER TWO-THIRDS LEGISLATIVE APPROVAL OR VOTER APPROVAL**

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

(1) Tax increases must receive either two-thirds legislative approval or voter approval pursuant to the referendum power set forth in Article II, section 1(b) of the state Constitution. Any delegation of revenue-raising authority is subject to the requirements of section 7 of this act.

(2)(a) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until approved by a vote of the people at a November general election. The state expenditure limit committee shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.

(b) The ballot title for any vote of the people required under this section shall be substantially as follows:

"Shall taxes be imposed on . . . . . in order to allow a spending increase above last year's authorized spending adjusted for personal income growth?"

(3)(a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a two-thirds vote of each house of the legislature and signed by the governor. The law shall set forth the nature of the emergency, which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance. The state expenditure limit may be exceeded for no more than twenty-four months following the declaration

of the emergency and only for the purposes contained in the emergency declaration.

(b) Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.

(c) The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund to another source of funding, or if moneys are transferred from the state general fund to another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall lower the state expenditure limit to reflect the shift. For the purposes of this section, a transfer of money from the state general fund to another fund or account includes any state legislative action taken that has the effect of reducing revenues from a particular source, where such revenues would otherwise be deposited into the state general fund, while increasing the revenues from that particular source to another state or local government account. This subsection does not apply to: (a) The dedication or use of lottery revenues under RCW 67.70.240(3), in support of education or education expenditures; or (b) a transfer of moneys to, or an expenditure from, the budget stabilization account.

(5) If the cost of any state program or function and the ongoing revenue necessary to fund the program or function are shifted to the state general fund on or after January 1, 2007, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall increase the state expenditure limit to reflect the shift unless the shifted revenue had previously been shifted from the general fund.

(6) For the purposes of this chapter, "tax increases" means:

(a) 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; and

(b) Any action or combination of actions by the state legislature that transfers revenue from the liquor revolving fund created in RCW 66.08.170 to the general fund (previous transfers have consistently resulted in higher taxes).

NEW SECTION.     **Sec. 3.**     RCW 43.135.034 (Tax legislation--Two-thirds approval--Referral to voters--Conditions and restrictions--Ballot title--Declarations of emergency--Taxes on intangible property--Expenditure limit to reflect program cost shifting or fund transfer) and 2011 c ... s ..., 2011 c 1 s 2 (Initiative Measure No. 1053), as now existing or hereafter amended, are each repealed.

**Sec. 4.**     RCW 43.135.035 (Tax legislation--Referral to voters--Conditions and restrictions--Ballot Title--Declarations of emergency--Taxes on intangible property--Expenditure limit to reflect program cost shifting or fund transfer) and 2010 c 4 s 2 & 2009 c 479 s 36 are each repealed.

**PROTECTING TAXPAYERS BY REQUIRING PROPOSED FEE INCREASES TO BE  
SUBJECTED TO COST PROJECTIONS, PUBLIC HEARINGS, PUBLIC INPUT,  
AND PUBLIC LEGISLATIVE VOTES**

**Sec. 5.**     RCW 43.135.055 and 2008 c 1 s 14 are each reenacted and amended to read as follows:

(1) A fee may only imposed or increased in any fiscal year if approved with majority legislative approval in both the house of representatives and the senate and must be subject to the accountability procedures required by RCW 43.135.031. A fee increase must be introduced as a bill with a specific amount and must be subjected to cost projections, public hearings, public input, and public legislative votes. Multiple fee increases may be in a bill if the fees have rational unity. Any delegation of

revenue-raising authority is subject to the requirements of section 7 of this act.

(2) This section does not apply to an assessment made by an agricultural commodity commission or board created by state statute or created under a marketing agreement or order under chapter 15.65 or 15.66 RCW, or to the forest products commission, if the assessment is approved by referendum in accordance with the provisions of the statutes creating the commission or board or chapter 15.65 or 15.66 RCW for approving such assessments.

**PROTECTING TAXPAYERS BY REQUIRING VOTER APPROVAL  
WHENEVER THE LEGISLATURE TRIES TO "PASS THE BUCK" TO OTHER  
GOVERNMENTS OR AGENCIES TO IMPOSE HIGHER TAXES OR FEES**

NEW SECTION. **Sec. 6.** A new section is added to chapter 43.135 RCW to read as follows:

The legislature may only delegate revenue-raising authority if the increase requires voter approval at an election before it takes effect.

**CONSTRUCTION CLAUSE**

NEW SECTION. **Sec. 7.** 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. 8.** 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. 9.** This act shall be known and cited as the "Save The 2/3's Vote For Tax Increases Again Act."

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