No. 79447-7-I

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COURT OF APPEALS, DIVISION I,
OF THE STATE OF WASHINGTON

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S. MICHAEL KUNATH, *et al.*,

Respondents,

v.

CITY OF SEATTLE, *et al.*,

Appellants.

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# MOTION OF LEVINE AND BURKE RESPONDENTS FOR RECONSIDERATION

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1. Identity of Moving Parties

Respondents Dena Levine, Christopher Rufo, Martin Tobias, Nicholas Kerr, Chris McKenzie, Alisa Artis, Lien Dang, Kerry Lebel, and Dorothy M. Sale ("*Levine* respondents") and respondents Suzie Burke, Gene and Leah Burrus, Paige Davis, Faye Garneau, Kristi Dale Hoofman, Lewis M. Horowitz, Teresa and Nigel Jones, Nick and Jessica Lucio, Linda R. Mitchell, Erika Kristina Nagy, Don Root, Lisa and Brent Sterritt, and Norma Tsuboi ("*Burke* respondents") ask for the relief designated in Part 2.

2. Statement of Relief Sought

Reconsideration pursuant to RAP 12.4 of the Court's opinion terminating review filed on July 15, 2019.

3. Grounds for Relief and Argument

The City cannot tax income pursuant to RCW 35.22.280(2) as intangible property because, after 1977 amendments, RCW 84.36.070 bars *ad valorem* taxation on all such property, and in any event the City cannot impose property taxes without providing the specific dollar amount to the auditor to include within the restrictions on total tax calculations.

In addition, SSB 4313, enacting RCW 36.65.030, satisfies the single-subject analysis of article II, § 19 because each of the six sections address the city-county form of government, particularly in light of Wash.

Const. art. XI, § 16 which requires all prohibitions on that form of local government also to apply equally to every other city and county.

(a) The Court Misinterpreted RCW 35.22.280(2) to Justify Seattle's Imposition of Its Graduated Income Tax

This Court concluded that the income tax ordinance was statutorily authorized by RCW 35.22.280(2), which grants first-class cities authority to impose ad valorem taxes on real and personal property. Op. at 11-12. But the Seattle City Council did not rely on RCW 35.22.280(2) to justify the tax; the Council claimed the tax was an "excise." CP 26 (Ordinance, § 1, ¶ 14, citing excise tax authority under RCW 35A.11.020, RCW 35.22.280(32), RCW 35A.82.020 and RCW 35.22.570). Moreover, as the Court noted, because neither Seattle nor EOI argued for the applicability of RCW 35.22.280(2) below, the issue was never briefed; it was raised (by the Court) for the first time at oral argument. *Id.* at 12-13 n. 58. As a result, this Court has misapprehended Seattle's authority to tax income as intangible property.

Our Supreme Court has held unequivocally that income is "intangible property." *Culliton v. Chase*, 174 Wash. 363, 374, 25 P.2d 81 (1933) ("incomes necessarily fall within the category of intangible property."). RCW 84.36.070, in turn, provides that "[i]ntangible personal property is exempt from ad valorem taxation." RCW 84.36.070(1). RCW

84.36.070 therefore precludes RCW 35.22.280(2) from serving as statutory authority for the ordinance. This Court, however, found that such a result would be inconsistent with RCW 84.36.070's text and legislative history. Op. at 12 n.58. Respectfully, the Court is incorrect on both counts.

The statute bars property tax on *all* intangible personal property. RCW 84.36.070's examples are not exclusive. This is clear from the statute's language, RCW 84.36.070(2)(c) (intangible personal property means "other intangible personal property"); from its interpretive rule, WAC 458-50-150(1) ("the legislature expanded the property tax exemption for intangible personal property and provided examples of exempt property"); and from its legislative history, Final Bill Report, SB 5286, 55th Leg., Reg. Sess. (1997) ("All intangible personal property is exempt from property tax. Intangible personal property includes, but is not limited to, the items exempt under current law ...."). So the fact that the statute does not expressly list "income" is irrelevant. Op. at 12 n.58. The Supreme Court's conclusion that income is "intangible property" is all that matters.

RCW 84.36.070's legislative history does nothing to negate this plain meaning. When originally enacted in 1931, the statute *did not* prohibit property tax on all intangibles. Rather, it identified specific items

subject to exemption. *See* Laws of 1931, Ch. 96, § 1; *State ex rel. Atwood v. Wooster*, 163 Wash. 659, 663-64, 2 P.2d 653 (1931). It was not until 1997 that the legislature amended RCW 84.36.070 to exempt all intangible personal property. *See* Laws of 1997, Ch. 181 § 1; *see also*, N. Bruns & M. DeLappe, *The Property Tax Deskbook—Washington* § 48-215 (ABA 23rd ed. 2018) ("The debate over the ad valorem taxation of intangible property resumed in the 1990s, however, due to a general lack of understanding of the meaning of the exemption for 'all monies and credits.' The debate culminated in a modernized and more detailed exemption for 'all intangible personal property.' See WAC 458-50-150, 458-50-160, 458-50-180.").

Thus, in 1935, although constitutionally suspect, it was not statutorily "incongruous" for the Legislature to enact the net income tax at issue in *Jensen v. Henneford*, 185 Wash. 209, 53 P.2d 607 (1936). Op. at 12-13 n.58. At the time, no statute prohibited taxes on "intangible personal property," and RCW 84.36.070's predecessor did not include "income" as a specifically exempt category of property tax. In any event, the Legislature —like the Seattle City Council here—did not justify the tax as a property tax, but rather as an excise on the "privilege of receiving income." Laws of 1935, Ch. 178, § 2. Indeed, like *Culliton*, *Jensen* court never considered whether an income tax could be statutorily authorized as

a property tax.

Finally, in concluding that Seattle's income tax ordinance is authorized by RCW 35.22.280(2), the Court overlooked the statutory limitations on property taxes—limitations that conflict with the Seattle income tax ordinance. The process for levying property taxes is carefully prescribed in Title 84 RCW, which contains various statutory constraints on cities' property tax authority. *See City of Spokane v. Horton*, 189 Wn.2d 696, 703, 406 P.3d 638 (2017) ("Under the state system, cities ... may annually impose regular property tax levies on real and personal property," but many "statutory constraints limit these jurisdictions' taxing powers").

Unlike excise taxes, property taxes are levied in specific dollar amounts. RCW 84.52.010(1). Cities and other taxing districts submit a budget to the county assessor identifying the amount of tax to be levied. The assessor then determines the applicable tax rate based on the total value of all taxable property in the taxing district on the assessor's tax roll after taking into account various statutory and constitutional limits on property tax rates, including but not limited to RCW 84.55.010 and 84.52.043. Personal property is added to the tax roll from statements filed with the county assessor by property owners, who are required to list their non-exempt personal property with the assessor. RCW 84.40.190 and

.060.

In short, under state law, the county assessor administers city property taxes, and the assessor does so by creating the tax rolls, assessing value, determining the levy rate, and certifying the tax amount to the county treasurer for collection. *See* RCW 84.40.020, .040, .060, .185, .190; RCW 84.52.010, .043, .050, .070; RCW 84.56.010, .035, .050; RCW 36.29.100, .010. Because the Seattle City Council justified the income tax as an excise, not a property tax, the ordinance (which is to be administered exclusively by the city's Director of Finance and Administrative Services without rolls or levies) violates every aspect of Title 84 RCW. *See* SMC 5.65 *et seq.* For this reason, too, this Court should reconsider its conclusion that the Seattle income tax ordinance is authorized by RCW 35.22.280(2).

(b) The Court Erroneously Narrowed the Analysis and Overlooked Key Facts Concerning the Legislature's Enactment of SSB 4313 in 1984 in Determining that RCW 36.65.030 Violated Article II, § 19 of the Washington Constitution

This Court concluded that RCW 36.65.030 violated article II, § 19 of our Constitution. Op. at 18-26. But in so concluding, the Court erroneously curtailed the scope of the article II, § 19 rational unity analysis, improperly restricting what could be considered in that analysis. Consequently, it overlooked essential facts that are relevant to the

determination that the legislation enacting RCW 36.65.030 satisfied the rational unity formulation long employed by our Supreme Court for determining that a provision in a bill had the requisite nexus to the bill's general title.

(i) Purpose of Article II, § 19 Single Subject Analysis

Washington's constitutional Framers were suspicious of the Legislature's exercise of its powers, opting to restrict legislative prerogatives in proposing and enacting legislation. To ensure that the Legislature conducted the people's business fairly and transparently, the Framers adopted a number of restrictions on how legislation must be adopted to implement that overarching policy. For example, to prevent the rider amendments so often used in Congressional decisionmaking, the Framers adopted article II, § 38 forbidding amendments expanding the scope and object of measures. Similarly, article II, § 19 forbids multi-subject legislation that invites legislative logrolling and might combine a forest of unrelated issues in a single bill. *See Wash. Federation of State Employees v. State* ("*WFSE*"), 127 Wn.2d 544, 569-71, 901 P.2d 1028 (1995) (Talmadge, J., concurring/dissenting); Kristen L. Fraser, *Method, Procedure, Means, and Manner: Washington's Law of Law-Making*, 39 Gonz. L. Rev. 447, 447-51 (2003/2004); Dustin Buehler, *Washington's Title Match: The Single-Subject and Subject-in-Title Rules of Article II,*

*Section 19 of the Washington State Constitution*, 81 Wash. L. Rev. 595, 595-97 (2006).

Article II, § 19 facilitates transparency and public and legislator information about the contents of a bill before any vote on the bill occurs. *Wash. Ass'n for Substance Abuse and Violence Prevention v. State*, 174 Wn.2d 642, 654, 278 P.3d 632 (2012) ("*WSAVP*").

(ii) The Court Mistakenly Narrows Information on Which Single Subject Analysis Occurs

At its core, the single subject rule prevents "logrolling,"[1] or the offering of riders to pending legislation. In its opinion, however, notwithstanding this clear-cut purpose of the constitutional provision which it acknowledged, op. at 19 ("... the single subject role guards against logrolling, ... and riding..."), this Court restricted the evidence pertinent to whether logrolling occurred in the legislative process, stating:

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[1] Logrolling has also been described as "the practice of drafting and submitting a bill to the legislature in such a form that a legislator is required to vote for something of which he disapproves to obtain approval of another unrelated law." *State v. Waggoner*, 80 Wn.2d 7, 9, 490 P.2d 1308 (1971). The Supreme Court has indicated that article II, § 19 came about because

> there had crept into our system of legislation a practice of engrafting upon measures of great public importance foreign matters for local or selfish purposes, and the members of the Legislature were often constrained to vote for such foreign provisions to avoid jeopardizing the main subject or to secure new strength for it, whereas if these provisions had been offered as independent measures they would not have received such support.

*State ex rel. Wash. Toll Bridge Auth. v. Yelle*, 54 Wn.2d 545, 550-51, 342 P.2d 588 (1959) (quoting *Neuenschwander v. Wash. Suburban Sanitary Comm'n*, 187 Md. 67, 48 A.2d 593, 598-99 (1946)).

> Because our Supreme Court has since held section 19 analyses are to be restricted to the legislation itself, *Wildlife Mgmt.*, 149 Wn.2d at 639, only the concept of a "single unifying principle" is still helpful. Thus, the parties' arguments that rely on extrinsic evidence are unavailing.

Op. at 21 n.102. Respectfully, the Court is wrong.

The passage referenced in this Court's opinion from *Citizens for Responsible Wildlife Mgmt. v. State*, 149 Wn.2d 622, 639, 71 P.3d 644 (2003) did not foreclose consideration of legislative history materials; rather, the Court declined to consider irrelevant legislative hearing testimony from a hearing that *postdated the enactment of the initiative measure at issue there.*

Further, in a practical sense, how could this Court or any court know if logrolling or riding occurred without an examination of the pertinent legislative history?

Ultimately, the concept of "rational unity," the critical factor for the article II § 19 analysis of a general ballot title, is one of germaneness. *WFSE* at 555-56. The sub-subjects of the general subject of the legislation must relate rationally to the measure's overall purpose.[2] This can be

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[2] An example of legislation that fails this rational unity test is described in *Fraser, supra* at 462-63:

> A classic example of the single subject rule is the "dognapping" case in Barde v. State. The bill in that case was entitled "AN ACT relating to the taking or withholding of property." One portion of the bill specifically criminalized dognapping, and the other section authorized

analyzed in a number of ways. For example, as noted in a concurring opinion in *WFSE*,[3] courts could consider the openness of the process by which the measure was developed, public notice of the measure's contents, how the issues were handled historically in the Legislature, the measure's subject matter, and the measure's actual title. *Id.* at 573-76 (Talmadge, J., concurring/dissenting). But this Court can simply glean whether logrolling or riding occurred from the measure's legislative history.

Just as noted in the *WFSE* concurrence, a measure's legislative history is a *vital* aspect of the article II, § 19 analysis. If the Legislature has historically addressed the issues together, that favors rational unity. *Fritz v. Gorton*, 83 Wn.2d 275, 284-85, 517 P.2d 911 (1983) (Initiative 276); *Scott v. Cascade Structures*, 100 Wn.2d 537, 545-46, 673 P.2d 179 (1983) (tort reform and product liability components of 1981 Product Liability and Tort Reform Act).

Our Supreme Court has *agreed* in its article II, § 19 decisions since *Wildlife Mgmt.* that it is appropriate to consider the Legislature's historical

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attorneys' fees in civil replevin cases against pawnbrokers. While both sections fit technically within the title of the bill, it violated the single subject rule due to the lack of a "nexus" connecting he two subparts.

[3] *See also, In re Boot*, 130 Wn.2d 553, 925 P.2d 964 (1996) (largely applying the *WFSE* concurrence's approach to article II, § 19 in *WFSE* to uphold constitutionality of 1994's Omnibus Violence Prevention Act).

approach to issues that are addressed in a single measure when evaluating the rational unity of a measure's various provisions. For example, in *WSAVP*, the Court stated:

> Moreover, the legislature's recognition of the relationship between liquor regulation and public welfare supports our finding that these issues share rational unity. *See Wash. Fed'n of State Emps.*, 127 Wash.2d at 575, 901 P.2d 1028 (Talmadge, J., concurring in part/dissenting in part) (proposing that considering whether the legislature has historically treated issues together is relevant to analysis of a law under the single-subject rule).

174 Wn.2d at 657. In *Lee v. State,* 185 Wn.2d 608, 374 P.3d 157 (2016), the Court specifically acknowledged the importance of the legislative history in the treatment of the subject to the legislation, as the respondents advocate here:

> Also relevant was the fact that the legislature had previously treated the subjects of liquor regulation and public welfare together. *Wash. Ass'n of Substance Abuse*, 175 Wn.2d at 657, 278 P.3d 632. The same cannot be said of I-1366. Sponsors point to no history that the legislature has treated sales tax reductions and constitutional amendments or supermajority requirements together. And unlike funds to assist law enforcement in policing liquor sales in the newly privatized marketplace, a reduction in the current sales tax rate is not necessary to implement a constitutional amendment or a change to the method for approving all future taxes and fees; quite the opposite, in fact, since one subject voids implementation of the other subject.

*Id.* at 623.[4]

In light of these controlling authorities, this Court's opinion erroneously curtails consideration of SSB 4313's crucial legislative history.

(iii) The Provisions of SSB 4313 Share a Rational Unity

In its opinion, this Court expressed the concern that SSB 4313's provisions lacked a rational unity. Op. at 24-26. But when SSB 4313's legislative history is analyzed, it is plain that its provisions, including RCW 36.65.030, have a "rational unity" nexus. Each section of the bill was germane to the overall purpose of the legislation – addressing the city-county form of government because, in light of renewed local interest in its use, the people had adopted Amendment 58 in 1972 which permits implementation of such a form of government.

Critical to that analysis is the language of the 58th Amendment itself:

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[4] Ironically, even in this Court's recent article II, § 19 decision, *American Hotel & Lodging Ass'n v. City of Seattle*, 6 Wn. App. 2d 928, 432 P.3d 434 (2018), *review granted*, 193 Wn.2d 1008 (2019), this Court applied a legislative history analysis to an initiative measure after noting *WSAVP*'s reliance on legislative history, stating:

> There is no legislatively recognized connection between protecting employees from sexual harassment and providing safeguards against unemployment or ensuring fair wages for fair work. Nor is there any such history of joining legislation to protect the confidentiality of an employee's and his or her family members' immigration status with other health, safety, and labor standards.

*Id.* at 947.

> No legislative enactment which is a prohibition or restriction shall apply to the rights, powers and privileges of a city-county unless such prohibition or restriction shall apply equally to every other city, county, and city-county.

Wash. Const. art. XI, § 16. In other words, if the Legislature wanted to prohibit city-counties from taxing net income, it was constitutionally required to prohibit cities and counties from doing so generally as well. That's what SSB 4313 did as part of its overall implementation of the 58th Amendment.

When certain Attorney General Opinions raised questions about the responsibilities of city-county forms of government and their authority, the Legislature acted. Substitute House Concurrent Resolution No. 2 (1983) ("SHCR 2") directed the local government committees of both houses to study legislation on the city-county form of government, making very clear the exact purpose of the legislation. *See* Appendix.[5] Both houses *voted* to adopt SHCR 2. *Id.*; CP 1173. In that public study, staff prepared memoranda for the legislators. CP 1173-74. That joint committee's process was public. A study group then developed a draft bill which included RCW 36.65.030. *Id.* That provision was also a part of the original Senate bill, CP 1132, and its final version. CP 1134.

[5] In fact, the original HCR 2 stated that the absence of enabling legislation clarifying "revenue allocations in participating jurisdictions" was an impediment to the use of that form of government.

There were public hearings on the legislation, as evidenced by the bill reports, CP 786-91, and the notes of the February 17, 1984 hearing of the House Local Government Committee. *See* Appendix. The bill passed both houses with overwhelming majorities. CP 1136. It was a non-controversial bill.

RCW 36.65.030 met the rational unity test. There was no "logrolling" or "riding" to secure its enactment. It was *always* part of the legislative approach to the city-county government issue. It was not part of some backroom deal. It was part of a bill created in a special joint committee environment and enacted openly after public hearings. RCW 36.65.030 was germane to the broad, and clear, purpose of the bill – to address the broad array of issues pertinent to the implementation of the city-county governments. The December 2, 1983 Senate Local Government Committee staff memorandum made the point clear:

> Sec. 3. Tax on Net Income – Prohibits a city-county from levying a tax on net income. Note: This section also includes cities and counties because there can be no legislative prohibition or restriction on a city-county unless such prohibition or restriction applies equally to every other city, county, and city-county.

4. Conclusion

The *Levine* and *Burke* respondents respectfully request that the Court reconsider its opinion as set forth herein. Insofar as the application

of RCW 35.22.280(2) in particular was neither briefed nor argued by the parties, the respondents believe that re-argument on the issues raised herein may be appropriate.

DATED this 5th day of August, 2019.

Respectfully submitted,

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# APPENDIX

HOUSE CONCURRENT RESOLUTION NO. 2

State of Washington 48th Legislature 1983 Regular Session

by Representatives Moon Van Dyken, Dellwo, Lux and Tanner

Read first time January 17, 1983 and referred to Committee on Local Government.

y WHEREAS, The legislature concluded after careful study that potential benefits could be achieved by city-county consolidation; and

WHEREAS, The legislature proposed, and in 1972 Washington voters approved, a constitutional amendment authorizing consolidation of cities and counties; and

WHEREAS, The implementation of that constitutional amendment has been impeded by the absence of enabling legislation clarifying rights, responsibilities, and revenue allocations to participating jurisdictions; and

WHEREAS, The absence of such clarifying legislation has contributed to the confusion regarding proposed city-county consolidations;

NOW, THEREFORE BE IT RESOLVED, By the House of Representatives of the state of Washington, the Senate concurring, That the House and Senate local government committees jointly undertake a study of the need for legislation to preserve the prerogatives of jurisdictions involved in city-county consolidation efforts, to establish a distribution formula for state-levied, locally-shared revenues apportionable to consolidated city-counties, and of such other matters as may require legislative classification; and

BE IT FURTHER RESOLVED, That the results and recommendations of the joint study be reported back to the legislature no later than December 1, 1984.

IN THE LEGISLATURE
of the
# STATE OF WASHINGTON

## CERTIFICATION OF ENROLLED

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 2

Adopted by the House March 8, 1983

Yeas 85 Nays 11

Adopted by the Senate April 20, 1983

Yeas 41 Nays 7

## CERTIFICATE

*I, Dean R. Foster, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is enrolled* Substitute House Concurrent Resolution No. 2 *as* adopted *by the House of Representatives and the Senate on the dates hereon set forth.*

DEAN R. FOSTER, *Chief Clerk*

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 2

State of Washington 48th Legislature 1983 Regular Session

by Committee on Local Government (originally sponsored by Representatives Moon, Van Dyken, Dellwo, Lux and Tanner)

Read first time February 25, 1983 and passed to Committee on Rules for second reading.

WHEREAS, The legislature concluded after careful study that potential benefits could be achieved by city-county consolidation; and

WHEREAS, The legislature proposed, and in 1972 Washington voters approved, a constitutional amendment authorizing consolidation of cities and counties; and

WHEREAS, The implementation of that constitutional amendment has been impeded by the absence of enabling legislation; and

WHEREAS, The existence of AGO 1975 No. 2 has contributed to the confusion regarding proposed city-county consolidations;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the state of Washington, the Senate concurring, That the House and Senate local government committees jointly undertake a study of the need for legislation relating to city-county consolidation efforts, to establish a distribution formula for state-levied, locally-shared revenues apportionable to consolidated city-counties, and of such other matters as may require legislative clarification; and

BE IT FURTHER RESOLVED, That the results and recommendations of the joint study be reported back to the legislature no later than December 1, 1983.

Adopted by the House March 8, 1983.

Wayne Ellis
Speaker of the House.

Adopted by the Senate April 20, 1983.

John A. Cherberg
President of the Senate.

## SHCR 2

By Committee on Local Government (Originally sponsored by Representatives Moon, Van Dyken, Dellwo, Lux and Tanner)

Calling for an interim study of the need for legislation regarding city-county consolidation.

House Committee on Local Government

Senate Committee on Local Government

BACKGROUND:

Article XI, Section 16, of our State Constitution allows the creation of combined city-counties. The procedure to establish a combined city-county is similar to establishing a county as a Home Rule charter county. A proposition is presented to the voters to authorize the election of a board of freeholders, and at the same time the freeholders are elected. If the proposition is not approved, the freeholder elections are null and void. If the proposition is approved, the freeholder elections stand. The freeholders draft a proposed combined city/county charter which is presented to the voters. If the charter is approved, the combined city-county is established. The proposed charter must delineate the powers and duties of all units of local government within its boundaries, and may retain or otherwise provide for such units of local government. No legislation exists concerning combined city-counties.

No combined city-county has been formed. A proposed effort to create a combined city-county in Clark County was recently defeated by the voters.

SUMMARY:

The House and Senate Local Government Committees shall study the need for legislation relating to city-county consolidation efforts, including the need for formulas to distribute state-levied, locally-shared revenues. The existence of an Attorney's General opinion on this subject is recited as having caused confusion concerning the formation of combined city-counties. The results and recommendations shall be reported no later than December 1, 1983.

Future Obligation: The House and Senate Local Government Committees shall prepare a study not later than December 1, 1983.

VOTES ON FINAL PASSAGE:

| | | |
|---|---|---|
| House | 85 | 11 |
| Senate | 41 | 7 |

## HCR 3

By Representatives Charnley, Isaacson, Hine, Hankins, Hastings and Sanders

Continuing the Joint Ad Hoc Committee on Science and Technology

House Committee on State Government

Senate Committee on Energy & Utilities

BACKGROUND:

In early 1978 the Washington State Legislature applied for and received a matching grant from the National Science Foundation (NSF) for planning a science and technology information system to serve the needs of the legislature. At that time, NSF was funding programs in many states to enhance legislatures' capabilities for dealing with complex scientific or technical aspects of policy issues.

The Joint Ad Hoc Science and Technology Planning Committee developed proposals for a science and technology information system, and in 1980 the Committee applied for a further matching grant from NSF to implement these proposals. The grant was awarded, and in 1981 the Joint Ad Hoc Committee on Science and Technology was re-established in order to begin implementing the information system on a pilot basis.

Original plans called for in-house staff specializing in providing scientific or technical information to the legislature. However, when it became apparent that the federal funding for this program would not continue indefinitely, the Ad Hoc Committee made a decision to contract with the Graduate School of Public Affairs at the University of Washington for professional services. Under the agreement with the University, effective from February 1, 1982, through April 30, 1983, the Graduate School of Public Affairs would supply the legislature with information on scientific and technical issues, as coordinated through the Joint Ad Hoc Committee.

The standing committee leadership and staff were polled by the Ad Hoc Committee for suggestions of topics on which the legislature needed scientific or technical information. The Joint Ad Hoc Committee then selected the state's water resources as the topic for further study during the pilot phase of the project. With the help of the staff person supplied by the University, the scope of the study was narrowed down to focus on the issue of conservation of irrigation water. The University staff person has worked under the direction of the Joint Ad Hoc Committee and is currently completing his report to them on this topic.

The Joint Ad Hoc Committee included four members appointed by the Speaker of the House of Representatives and four appointed by the President of the Senate, with equal representation of each party.

Besides the demonstration project of the science and technology information system, the Joint Ad Hoc Committee has also conducted legislative workshops on scientific and technical topics: One on nuclear waste disposal at Richland in October, 1979; and one on the use of computers in September, 1982.

SUMMARY:

The Joint Ad Hoc Committee on Science and Technology is re-established for the current legislature.

The Committee is directed to conclude the demonstration project of the science and technology information system by April 30, 1983, and to evaluate the project within ninety days afterwards. The Committee will continue implementing plans adopted by the 1980 Joint Ad Hoc Committee on Science and Technology for providing information to legislators on scientific and technical issues, and it will consider the best means of meeting the legislature's needs in this area.

The Committee is given the power to appoint a technical advisory committee, and is granted resources as approved by the House Executive Rules Committee and the Senate Facilities and Operations Committee.

Future Obligation: During the 1984 Regular Session, the Joint Ad Hoc Committee on Science and Technology will issue a report to the legislature recommending the best means of meeting the legislature's needs in considering issues and problems of a scientific or technical nature.

VOTES ON FINAL PASSAGE:

| | | | |
|---|---|---|---|
| House | 93 | 0 | |
| Senate | 39 | 0 | (Senate amended) |
| House | 96 | 0 | (House concurred) |

## SHCR 6

By Committee on Commerce & Economic Development (Originally sponsored by Representatives Tanner, B. Williams, J. King, Ebersole, Monohon, Van Dyken, West, Stratton, Haugen, Egger, Galloway, Fisch, Sayan, Belcher, Powers, Pruitt, Vekich, Charnley, Broback, Hine, Halsan, Tilly, Brekke, Garrett, Lewis, Todd and Ristuben)

Establishing the emergency commission on economic development and job creation.

House Committee on Commerce & Economic Development

Senate Committee on Ways & Means

BACKGROUND:

There has been considerable concern that the state's economic development efforts have not been sufficient to deal with the problems of unemployment and the over reliance on a few sectors of the economy. At the legislative Economic Development conference, it was recommended that the state develop a commission to review a wide variety of economic development approaches. Other states have initiated similar studies and commissions to carefully consider state economic development efforts in areas of regulation, expenditure and tax policy. These studies have often become a major impetus to form and enact innovative efforts to stimulate state investment and job creation.

SUMMARY:

The Emergency Commission on Economic Development and Job Creation is created. This twenty-two member commission is required to analyze and report on the state's current economic problems and to suggest recommendations for creating jobs and to aid economic recovery in the state. The commission is requested to review the appropriate state role in economic development, the lack of capital to needy businesses and lagging areas of the state, industries and jobs expected to be in decline, labor force availability and trends.

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HOUSE OF REPRESENTATIVES - STATE OF WASHINGTON

HOUSE LOCAL GOVERNMENT COMMITTEE

TRANSCRIPT EXCERPT REGARDING SENATE BILL 4313

February 17, 1984

Tape 53

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**********

Official Transcription of Recording

Reed Jackson Watkins

Court-Certified Transcription

206.624.3005

SPEAKING APPEARANCES

SENATORS AND REPRESENTATIVES:

Chairman Chuck Moon

Stan Finkelstein

Representative Allen

Representative Ballard

Representative Broback

Representative Brough

Representative Chandler

Representative Charnley

Representative Ebersole

Representative Egger

Representative Garrett

Representative Grimm

Representative Haugen

Representative Hine

Representative Isaacson

Representative Smitherman

Representative Todd

Representative Van Dyken

Representative Van Luven

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February 17, 1984

(13 minutes and 33 seconds into recording.)

THE COURT: Next would be Substitute Senate bill 4313, Combined City/County Municipal Corporations.

Stan Finkelstein?

MR. FINKELSTEIN: Mr. Chairman, Members of the Committee, I'm Stan Finkelstein. I'm employed by the Association of Washington Cities. I'm here before you at this time to ask for your support on Senate Bill 4313.

By way of background, in 1972 the voters of the state of Washington approved Amendment 58 to the State Constitution. That constitutional amendment authorized the creation, the consolidation, the formation, what have you, of combined cities and counties.

Since that constitutional amendment was approved, there have been discussions in several areas of the state, most notably in Clark County and more recently in Spokane County, regarding the potential benefits which might enure to the citizenry of those particular areas should a consolidated city-county be formed.

However, much of the problem with actual formation of consolidated jurisdictions has been the confusion which has arisen with regard to the powers, the responsibility, the

authorities, the end results of such a consolidated form of government. We approached the legislature in 1983 primarily at the request of the City of Spokane, asking for a legislative study of the need for implementing legislation for that constitutional amendment.

That measure, HCR 2, was approved by the legislature. There was an interim study during the past year. That study has resulted in the provision of legislation, the drafting of legislation and its proposal in the form of Senate Bill 4313.

There have been many questions that have arisen with regard to consolidated cities and counties. Some of those questions have been answered in the 1975 Attorney General's opinion. Some of the answers have created even greater confusion because of the absence of enabling legislation.

Senate Bill 4313 is a fairly straightforward piece of legislation. It addresses four or five specific areas. And those are areas that have led to the confusion with regard to consolidation.

The first is, it provides that school districts will not be subject to consolidation; they will be retained as free-standing separate jurisdictions.

Secondly, because of language in the 58th Amendment, which, in effect, says that the second sentence of Article 7, Section 2 shall not apply, there has been some concern

that an income tax might be authorized for a consolidated city or town. That sentence, in effect, in the constitution, says, "All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only."

If you void that section, there was a concern that a consolidated jurisdiction will not be authorized -- or would be authorized to impose an income tax.

In Senate Bill 4313, the legislature has, in effect, said that: No city, no county or no consolidated city-county may be authorized to impose an income tax.

The third area addressed -- and it's addressed almost by deferral -- is the question of state-shared revenues. As you are all aware, cities and counties currently are the beneficiary of certain state-imposed locally shared revenues: The gas tax; liquor profits, liquor taxes; and in the case of cities, motor vehicle excise tax.

The question which has arisen is: What is the entitlement of a consolidated jurisdiction to these various state-shared revenues, and how can the legislature best address an equitable distribution formula?

The problem that the legislature has to address is a dual problem. On the one hand, there is the need to treat the consolidated jurisdictions fairly. And, on the other hand,

there is the need to preserve intact the existing allocation of state-shared revenues to nonconsolidated jurisdictions.

The problem arises, for instance, when you deal with the motor vehicle excise tax. The cities and towns receive 17 percent of the MVET. If you have a consolidation, for instance, in King County, would King County, the entire consolidated jurisdiction, be entitled to motor vehicle excise taxes? If so, that would reduce the allocation to non-King County cities and towns by approximately 25 percent.

With regard to the difficulties and the vagaries regarding the development of an equitable allocation formula, Senate Bill 4313, in effect, punts. It provides that for the year following consolidation, the allocation shall be as if the consolidation had not occurred. During the interim, the legislature shall develop an equitable means of addressing the consolidated jurisdiction and providing for the sharing of revenues.

The other areas that are addressed in this legislation relate essentially to personnel matters. And one of the concerns which is held by representatives of law enforcement agencies is that if one or another of the consolidated agencies is under binding arbitration, for either law enforcement officers or for firefighters, then subsequent to the consolidation, those employees and all law

enforcement -- or all firefighter employees, essentially, would be under binding arbitration.

And, secondly, that there be no diminution of pension benefits subsequent to consolidation.

Those two sections are the last two sections, essentially, of the legislation before the final section, which adds a new chapter to Title 36.

We believe that this legislation will be helpful in answering the questions that have arisen with regard to consolidation. It is not a final answer. There are still areas that have to be addressed.

We would appreciate the committee's support for this measure. If there are any questions, I will be happy to respond.

CHAIRMAN MOON: Representative Brough, do you have questions?

REPRESENTATIVE BROUGH: Thank you, Mr. Chairman.

If you scan back on Section 4, when you refer to it as "a punt," this is the crux of the whole problem, is it not?

MR. FINKELSTEIN: Yes.

REPRESENTATIVE BROUGH: That in order for a community to really approach and determine within itself whether it is interested in consolidation, I think they would have to have some kind of a pattern or a guideline as to what the fiscal impact is going to be. I mean, having just gone through the

same identical problem with the incorporation process in my own community, I can't conceive that we would have anybody consolidating if they didn't already know, you know, basically what their tax structure and their revenue input would be.

MR. FINKELSTEIN: In response to that, there are several points, I think, which should be made. The primary benefit of consolidation would probably be in the development of economies of scale and efficiencies which would result from the unification of several governments into a single-service delivery mechanism.

It was not anticipated in the late 60s and the early 70s, prior to approval of Amendment 58, that the benefit would result from enhancement of revenues as a result of state-shared revenues.

With regard to this particular matter, the basic problem is that we're dealing with approximately a half a dozen or so revenue sources and approximately 15 different hypothetical alternatives, depending on the nature of consolidation. Whether you have all of the subordinate cities and towns consolidated into a single jurisdiction, whether you have partial consolidation and retention of free-standing jurisdictions, whether you have large cities, small and incorporated consolidations and the like, they are going to have to be addressed, dislocations and revenue

allocation patterns.

The concern with regard to endeavoring to address that in 4313 is compounded by several factors. First of all, there is the need to provide an equitable allocation which doesn't cause dislocations.

Secondly, there is the realization that the state-shared revenue structure of 1984 may not, in fact, be in place in 1987, 1989 or whenever we have our first consolidation. The concern that was raised in the Senate when this measure was first examined was the fact that, should the legislature go through the throws of trying to create an optimal formula and address all of the political dislocations that will arise when, in fact, there may not be a consolidation for some time and, in effect, the legislature would be unnecessarily expending resources.

Consequently, the decision was made to freeze the allocation which, in effect, tells that jurisdiction that has consolidated that at the least they will receive no less money than they would have received as free-standing jurisdictions until such time as the legislature addresses it and then the various parties can joust about for an end result.

I appreciate the question, but it's one that I think after many, many hours of staff work, the legislative staff and representatives of the various associations recognize

that there would not be any mutually-agreeable answer to this question.

CHAIRMAN MOON: Any further questions?

Representative Van Dyken.

REPRESENTATIVE VAN DYKEN: Stan, I'm shocked to see that on new Section 3. You are proposing to put in language which would limit the revenue home rule options of local government to tax in whatever way it deems appropriate.

CHAIRMAN MOON: He changed his stripes (inaudible).

REPRESENTATIVE VAN DYKEN: Okay. You don't have to respond to that.

MR. FINKELSTEIN: But I recognize the rule of 76. 50 in the house, 25 in the Senate, and the governor's signature.

Obviously, we would like to have the authority to impose an income tax.

REPRESENTATIVE VAN DYKEN: That's -- you don't have to answer that question, Stan.

But a question I would like an answer to is, again, dealing with Section 4. If a city-county consolidation were effected, would the total revenues going to that geographical entity increase or decrease or stay the same as a result of such consolidation? In other words, would their share of the state fiscal pool change at all? Would there be any effect on other jurisdictions?

MR. FINKELSTEIN: That section was drafted that way to

provide a hold harmless both to the consolidated city-county and to the other jurisdictions for that one-year period following consolidation. As the law is currently, there is an uncertainty as to how that consolidated jurisdiction would be deriving state-shared revenues.

The basic problem -- I can give you an example -- is that currently cities and towns receive 17 percent of the motor vehicle excise tax. That allocation is on a per capita basis. It means approximately 12 dollars per capita to each of the cities and towns.

If a consolidated city-county is entitled to a pro rata share of motor vehicle excise taxes based on total population, it will increase the revenues, of course, to that consolidated entity, but by taking that amount of money out of the pool would reduce everybody else. And I think that is the type of issue that the legislature has to address in a very specific form.

So what we have done here is, in effect, frozen the entitlements for that one-year period, allowing for legislative investigation of the end result. And then after a consolidation, the legislature would provide a solution to that problem (inaudible).

CHAIRMAN MOON: Representative Allen.

REPRESENTATIVE ALLEN: Stan, I recognize this as fine-tuning of what we did last year, and at the rate we're

going we'll probably be fine-tuning it for the next three or four sessions. But what I am curious about is: Is the move to consolidation such that we need to continue fine-tuning this legislation? Is it really happening? Because (inaudible).

MR. FINKELSTEIN: Perhaps I can clarify a point. What the legislature did last year was not enact legislation but, rather, request a study that has given rise to this legislation. That study was initiated at the request of Spokane where they are having some discussions with regard to consolidation. Those discussions have surfaced as a result of some rather substantial utility problems, the feeling that there will be substantial growth during the next decade, the need to provide a mechanism for addressing the overall countywide concerns.

The people in Spokane have felt that because of the uncertainties with regard to an income tax, with regard to the allocation of revenues, with regard to binding arbitration and personnel benefits -- Spokane has its own pension system; the county is under PERS -- these questions should be at least addressed legislatively so that when the issue of consolidation comes before the people, it will not be attacked on the emotional base that the county is going to impose an income tax, employees will be dislocated in terms of benefits, but rather the pros and cons of whether

consolidation, of and by itself, is beneficial.

So that is why this legislation is before you. I would suspect that this will not be the be-all and end-all of consolidation legislation, but it should address the question for the near future until there is further movement.

CHAIRMAN MOON: Okay. Any further questions?

(No audible reply.)

CHAIRMAN MOON: Thank you, Stan, for your testimony.

(26 minutes and 33 seconds into recording.)

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(59 minutes and 13 seconds into recording)

CHAIRMAN MOON: Representative Haugen?

REPRESENTATIVE HAUGEN: Mr. Chairman, I move out Substitute Senate Bill 4313 with a recommendation of do pass.

CHAIRMAN MOON: Substitute Senate Bill 4313 has been moved out with a recommendation: Do pass.

Steve, give us a quick one on that.

UNIDENTIFIED MALE SPEAKER: As a committee member, as I recall, this bill clarifies certain questions that had arisen about any potential consolidation of a city and a county into a combined city-county.

UNIDENTIFIED MALE SPEAKER: Strike Section 3.

CHAIRMAN MOON: Are there any amendments?

UNIDENTIFIED FEMALE SPEAKER: No, there are (inaudible).

(Brief inaudible colloquy.)

CHAIRMAN MOON: The clerk will call the roll.

THE CLERK: Chairman Moon?

CHAIRMAN MOON: Aye.

THE CLERK: Van Dyken?

REPRESENTATIVE VAN DYKEN: No.

THE CLERK: Allen?

REPRESENTATIVE ALLEN: Aye.

THE CLERK: Ballard?

REPRESENTATIVE BALLARD: Aye.

THE CLERK: Broback.

REPRESENTATIVE BROBACK: Aye.

THE CLERK: Brough.

REPRESENTATIVE BROUGH: No.

THE CLERK: Chandler?

REPRESENTATIVE CHANDLER: No.

THE CLERK: Charnley?

REPRESENTATIVE CHARNLEY: Aye.

THE CLERK: Ebersole?

REPRESENTATIVE EBERSOLE: Aye.

THE CLERK: Egger?

REPRESENTATIVE EGGER: Aye.

THE CLERK: Garrett?

REPRESENTATIVE GARRETT: Aye.

THE CLERK: Grimm?

REPRESENTATIVE GRIMM: Aye.

THE CLERK: Haugen?

REPRESENTATIVE HAUGEN: Aye.

THE CLERK: Hine?

REPRESENTATIVE HINE: Aye.

THE CLERK: Isaacson? Isaacson?

REPRESENTATIVE ISAACSON: (Inaudible).

THE CLERK: Smitherman?

REPRESENTATIVE SMITHERMAN: Aye.

THE CLERK: Todd?

(No audible reply.)

THE CLERK: Van Luven?

REPRESENTATIVE VAN LUVEN: Aye.

THE CLERK: Mr. Chairman, that's 14 yea's and three nays.

CHAIRMAN MOON: By your action, you have passed Substitute Senate Bill 4313 out with a do pass recommendation.

(60 minutes and 53 seconds into recording.)

(Conclusion of requested excerpts.)

# C E R T I F I C A T E

STATE OF WASHINGTON )

)

COUNTY OF SNOHOMISH )

I, the undersigned, do hereby certify under penalty of perjury that the foregoing court proceedings, recorded statements, hearings and/or interviews were transcribed under my direction as a certified transcriptionist; and that the transcript is true and accurate to the best of my knowledge and ability, including any changes made by the trial judge reviewing the transcript; that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of December, 2017.

---

Marjorie Jackson, CET

H-LG-48 Tape 53 2-17-84 8AM
4711/3276/4268/4313/4722

HOUSE OF REPRESENTATIVES
STATE OF WASHINGTON

SESSION
COMMITTEE MEETING
AGENDA AND MINUTES

| COMMITTEE/SUBCOMMITTEE/JOINT MEETING | DATE | TIME | PAGE |
|---|---|---|---|
| House Local Government Committee | 2-17-84 | 8 AM | OF |
| CHAIRPERSON(S) | MEETING LOCATION | | |
| Rep. Chuck Moon | Hearing Rm . B | | |
| COMMITTEE MEMBERS PRESENT | OTHER LEGISLATORS PRESENT | | |
| | STAFF PRESENT | | |

| ITEM NO. | BRIEF TITLE OR PROPOSED BRIEF TITLE (Staff Contact and Tele. No.) | TAPE NO. | SIDE NO. | METER NO. OR TIME | MEETING TYPE H | W | EX | FOR EACH ITEM ON THE AGENDA, REPORT COMMITTEE ACTION TAKEN, INDIVIDUALS OR GROUPS TESTIFYING AND SUMMARY OF THEIR STATEMENTS, ETC. |
|---|---|---|---|---|---|---|---|---|
| | PUBLIC HEARING/POSSIBLE EXEC<br><br>SSB 4711 - Fire districts<br>SSB 3276 - Nonprofit corp. econ. devel.<br>SSB 4628 - Sheriff vacancies<br>SSB 4313 - Combined city/co. munic. corp.<br>SSB 4722 - County sheriff<br><br>Exec. Sess.<br>SB 4376 - Sales/use tax equal fund dist.<br>SB 4358 - Hotel excise tax conv. trade | | | | | | | Chairman Moon called the meeting to order and announced that there would be a public hearing on several bills before the committee and then if they had time would go into executive session.<br><br>SSB 3276 - Stan Finkelstein, AWC, stated this was Senator Flemings bill. In the Senate there was a concern that was raised several years ago as to whether a city can actually have formal authority to engage in economic development programs. During the past few years as you are aware many cities do provide support to local chambers of commerce, local economic development commissions, local downtown groups, and a concern has been raised as to whether such activity has been lawfully approved by legislature. This legislation is a clarification and it simply specifies the authority under which such programs can be offerred. It is our belief that with respect to code cities and 1st class cities especially this authority is not needed but might be needed for 2nd and perhaps 3rd, and 4th class cities and towns. We would hope that the committee would approve the measure.<br><br>SSB 4722 - Sheriff Montgomery stated that the bill as passed by the senate changed somewhat from the bill you originally heard. We dropped out certain requirements - the age requirement, the two year residency, the fingerprinting requirement, and what we have left is what we believe to be a very good bill that requires basic academy training, experience, education and a crime free background to qualify for the office. |

HOUSE OF REPRESENTATIVES
STATE OF WASHINGTON

| DATE | TIME | COMMITTEE/SUBCOMMITTEE/JOINT MEETING | PAGE OF |
|---|---|---|---|

| ITEM NO. | BRIEF TITLE OR PROPOSED BRIEF TITLE (Staff Contact and Tele. No.) | TAPE NO. | SIDE NO. | METER NO. OR TIME | MEETING TYPE H | W | EX | FOR EACH ITEM ON THE AGENDA, REPORT COMMITTEE ACTION TAKEN, INDIVIDUALS OR GROUPS TESTIFYING AND SUMMARY OF THEIR STATEMENTS, ETC. |
|---|---|---|---|---|---|---|---|---|

Rep. Moon said that in 6th class counties it was found that only 3 individuals would meet the qualifications in one of these counties. Would there be any objection to putting in an amendment that would apply to counties with an excess of 12,000 people. Rep. Montgomery stated that they would not necessarily be opposed but then would have to take it back to conference committee and would be afraid that the bill would die because of the short session. If this is a real concern we have already said that next year we will come back and allow military experience in the general law enforcement nature and we would certainly be willing to apply this class of counties to size.

Rep. Garrett was concerned if we cut it down in a county where there is only the present sheriff and 2-3 other citizens that can run for sheriff. Sheriff Montgomery stated that was not the intent of the bill to restrict the office. We know that almost every full time law enforcement officer in the state automatically qualifies for the position.

Rep. Moon asked if he would have any objection to having the effective date changed to January 1, 1985. Sheriff Montgomery said not really, the training is already delayed until 1987.

SSB 4628 - Mike Ryherd, speaking on behalf of Wash. State Counsel of Teamsters, requested this bill be introduced. It is a very simple bill. What it provides for is that when you are laying off deputy sheriffs this bill would change the civil service requirement that the people being riffed would qualify at the head of the panel within the same department. For example, Benton County had to reduce their force by 4 deputies and at the same time they were hiring four jail guards. The civil service requirements would not let them consider the people they were riffing because it said you had to draw from the top which meant the people's name was not on the list and they had to hire 4 people with virtually no experience and send them to police academy for training and cost them approximately $16,000 each.

FORM REP-2 [illegible] (REVERSE)

Jim Metcalf, Assn. Wash. Counties, speaking in support of the bill. Benton County requested that the association support this bill and seems to us to be a logical request and change in civil service requirements to give us a little more flexibility. We are finding situations where we are essentially going to have to increase jailers to meet the new guidelines as the new jails are coming on line.

Charlie Marsh, stated they have no objection to the bill as amended. This brings into conformity the county civil service commission with the police officers and city firefighters. One example of this is under present conditions, if a sheriff were to suspend one of his deputies, and the deputy were to appeal to the civil service commission, the civil service commission after review would either have to suspend for 90 or put the employee immediately back to work because the commission has no flexibility to modify that proposed suspension even if there were grounds to do that.

SB 4313

Stan Finkelstein, AWC, spoke in support of the bill. By way of background the voters in 1972 approved Amendment 52 to the State Constitution. An Attorney General's opinion in 1984 created some confusion over the powers possessed by a combined city-county. This bill is a result of HCR 2, an interim study. There are many questions with regard to consolidation of cities and counties. Another area addressed is state shared revenues. Question has arisen regarding entitlement. We need to provide equitable allocation and the realization of state structure may not be in place in 1989. Should the legislature go through and try to address the formula when some time may elapse? Decision was made to freeze the allocation. The following clarifications are made with respect to the creation of combined city-counties: (1) School districts are retained as separate political subdivisions; (2) A county, city or city-county is prohibited from enacting an income tax; (3) the allocation of state shared revenues shall not be modified for one year; (4) binding arbitration (5) pension benefits - no diminution.

SSB 4711 - Pete Spillar, Wash. Fire Commissioners, stated that this issue was studied by a broad make-up of individuals. Times have changed so have rewritten the laws to better reflect currently situations. The original bill had substantial changes. They have addressed the issues in separate pieces of legislation. In this bill it addresses 1 identified authorative change and one clarification change. The authorization change goes from 3 members to a 5 five commission board. Any time two fire commissioners sit down with two county commissioners this could be considered an unlawful meeting and subject to recall. By going to a 5 member commission can institute the committee system. The board of commissioners must first deicde and then to to voters for approval. The other issue is the ability to levy a benefit charge.

Stan Finkelstein, AWC, stated they have one minor problem with a repealer. This may create potential problems with new annexations or incorporations. He proposed this subsection be deleted.

EXECUTIVE SESSION

SB 4711 - Steve Lundin, staff counsel, stated that as indicated, this bill is essentially a rewrite with a change of board members from 3 to 5 and a benefit charge.

Rep. Haugen made a motion to move an amendment on page 56, line 25, strike subsection 1.
Rep. Haugen then made a motion on page 11, line 9 to adopt the prepared amendment. (adopted)
On page 14, line 5, strike "taxes"; On page 24, 25 regarding obligation bonds. (adopted)
Title amendments adopted. Bill moved out Do Pass as Amended. (17 ayes)

SB 4722

Steve Lundin, staff counsel, gave a brief explanation of the bill. Rep. Van Luven indicated he would vote no for the bill because it excludes military experience. Rep. Ballard stated he thought it was a good bill. Rep. Van Luven made an amendment on page 2, line 12, after civilian to add "or administrative military police experience". Rep. Van Dyken stated that was a good amendment but perhaps they should wait till next year to add. Rep. Haugen spoke against. Amendment failed 8-8. Bill moved out DPA 17 ayes.

SB 4628

Steve Lundin, staff counsel, gave a brief explanation of the bill. Rep. Haugen made an amendment on page 1, line 4. amendment adopted. Title amendment moved. Bill moved out DPA 14-3.

SB 4313

Rep. Garrett expressed concern. The amendment prepared regarding credit cards was not offered. Amendments on page 3, line 35 and title amendments adopted. Bill moved out Do Pass 17 ayes.

SB 4358

Rep. Haugen made a motion to move the scalping amendment. Rep. Van Dyken spoke against. Rep. Isaacson also spoke against it. Rep. Ballard and Ebersole also spoke against. Rep. Moon supported the amendment. Amendment failed.
Rep. Haugen made a motion to strike the emergency clause. Rep. Brough spoke against. Vote 9-8 on amendment.
Bill moved out 14-3.

Meeting adjourned.

DECLARATION OF SERVICE

On said day below, I electronically served a true and accurate copy of the ***Motion of Levine and Burke Respondents for Reconsideration*** in Court of Appeals, Division I Cause No. 79447-7-I to the following:

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Original e-filed with:
Court of Appeals, Division I
Clerk's Office

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED: August 5, 2019 at Seattle, Washington.

Sarah Yelle, Legal Assistant
Talmadge/Fitzpatrick

## TALMADGE/FITZPATRICK/TRIBE

## August 05, 2019 - 3:28 PM

## Transmittal Information

| | |
|---|---|
| **Filed with Court:** | Court of Appeals Division I |
| **Appellate Court Case Number:** | 79447-7 |
| **Appellate Court Case Title:** | City of Seattle, Appellant/Cr-Respondent v. S. Michael Kunath, Respondent/Cr-Appellant |

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**Comments:**

Motion for Levine and Burke Respondents for Reconsideration

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