

POLITICS & GOVERNMENT NOVEMBER 5, 2015

# State lawmakers to propose amending constitution in response to Eyman's I-1366

## HIGHLIGHTS

Initiative 1366 passing as ballots are counted from Tuesday's election

Tim Eyman measure would cut sales taxes unless lawmakers approve amendment making it harder to raise taxes

Republican lawmakers say they'll propose amendment, but support may be lacking in Legislature



The state Legislative Building in Olympia is shown on Jan. 3, 2013. **Tony Overman** - The Olympian

BY MELISSA SANTOS  
*Staff writer*

It didn't take long for a pair of conservative state lawmakers to step up and say they'll propose the constitutional amendment prescribed by Tim Eyman's latest anti-tax measure.

Republican state Sens. Michael Baumgartner and Doug Ericksen said in a news release Thursday that they will introduce a constitutional amendment in response to Eyman's Initiative 1366, which was trending toward passage as results from Tuesday's election continued to be counted.

The initiative would cut the state's sales tax by a penny unless the Legislature adopts a constitutional amendment requiring a two-thirds supermajority vote to approve tax increases. Right now, lawmakers can raise taxes with a simple majority vote.

Under I-1366, lawmakers must refer the two-thirds amendment to voters on the November 2016 ballot to avoid the sales tax cut.

**WASHINGTON VOTERS HAVE SAID TIME AND AGAIN THEY WANT A HIGH BAR FOR TAX INCREASES IN THIS STATE – A TWO-THIRDS VOTE OF THE STATE HOUSE AND SENATE.**

State Sen. Doug Ericksen, R-Ferndale, one of two senators proposing constitutional amendment prompted by Eyman initiative

State officials estimate that cutting the state sales tax from 6.5 percent to 5.5 percent, as the initiative would require, would reduce state revenues by \$8 billion through 2021.

"Washington voters have said time and again they want a high bar for tax increases in this state – a two-thirds vote of the state House and Senate," Ericksen, R-Ferndale, said in Thursday's news release. "They said it once more Tuesday when they passed Initiative 1366 – and they gave us 8 billion reasons to stop ignoring them."

Voters have repeatedly voted in favor of the two-thirds requirement for tax increases, most recently in 2012 with Eyman's Initiative 1185.

But the state Supreme Court struck down the supermajority requirement as unconstitutional in 2013, saying that such a rule could only be enacted through a constitutional amendment.

Eyman's latest initiative responds to the court's ruling by giving the Legislature a financial incentive to amend the state constitution. A constitutional amendment can only be placed on the ballot by the Legislature, and not through the citizen initiative process.

Voters would still need to approve the amendment for it to become law.

Opponents of Eyman's initiative have vowed to continue fighting I-1366 in court.

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Andrew Villeneuve of the Northwest Progressive Institute, a group opposing I-1366

In August, King County Superior Court Judge Dean Lum said the initiative appears to violate the normal process for constitutional amendments, but he allowed I-1366 to appear on the November ballot anyway.

That lawsuit is now pending on appeal before the state Supreme Court, and opponents of I-1366 are hoping that the court will rule soon on the initiative's validity.

"The state just can't have this uncertainty hanging over us for months and months," said Andrew Villeneuve of the Northwest Progressive Institute. "We need to know whether this initiative is unconstitutional or beyond the scope (of an initiative)."

Sen. David Frockt, D-Seattle, said even if I-1366's threat of tax cuts remains in effect, he is unsure whether the proposed constitutional amendment would win enough support to pass the Legislature. It takes a two-thirds majority vote for the Legislature to put a constitutional amendment on the ballot.

Republican lawmakers have proposed similar amendments before without success.

"I don't know if this budget-busting extortion measure will change votes," said Frockt, who is part of the lawsuit against the initiative.

Lawmakers will be able to consider Baumgartner and Ericksen's proposed amendment when the Legislature reconvenes in January.

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