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WASHINGTON STATE FARM BUREAU FEDERATION,
WASHINGTON STATE GRANGE, NATIONAL FEDERATION OF
INDEPENDENT BUSINESS, BUILDING INDUSTRY ASSOCIATION
OF WASHINGTON, EVERGREEN FREEDOM FOUNDATION,
WASHINGTON ASSOCIATION OF REALTORS,
and STEVE NEIGHBORS,

Respondents/Cross-Appellants,

v.

CHRISTINE O. GREGOIRE, Governor of the State of Washington,
STATE EXPENDITURE LIMIT COMMITTEE; and
STATE OF WASHINGTON,

Appellants/Cross-Respondents.

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BRIEF OF AMICUS CURIAE GARY LOCKE

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I. IDENTITY AND INTEREST OF AMICUS CURIAE

Gary Locke is a private citizen who has long-standing and significant interests in improving the quality of education and health care in the state of Washington. He is interested in this case because the ability to respond to the citizens' needs for education and health care through public-private partnerships will be affected if the legislature's power to address emerging budget matters is constricted beyond the requirements of the Washington Constitution.

Mr. Locke has decades of experience writing and working with state budgets. He served in the Washington State House of Representatives from 1983-1994, his final five years as Chair of the House Appropriations Committee. He also served as Governor from 1997-2005. As a private citizen, he continues to pursue improvements in education and health care, serving as a board member of the Digital Learning Commons, the Fred Hutchinson Cancer Research Center, and the Washington Education Foundation.

As amicus curiae, Mr. Locke urges this Court to rule that Engrossed Substitute Senate Bill (ESSB) 6896, Laws of 2006, ch. 56, is a constitutional enactment that establishes the fiscal year 2006 expenditure limit, and to confirm longstanding separation of powers principles that

preserve the ability of the legislature to address emerging and current needs of the people of the state of Washington.

II. INTRODUCTION AND STATEMENT OF THE CASE

The tax increases that plaintiffs challenge became effective on July 1, 2005, the first day of the fiscal year 2006. Laws of 2005, ch. 514, § 1302. The state expenditure law provides that if tax increases “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.” RCW 43.135.035(2). The expenditure limit is a limit on state expenditures from the general fund in any given fiscal year. RCW 43.135.025(1). The legislature did not send these tax increases to a vote of the people, reflecting its understanding that these increases would not result in expenditures in excess of the fiscal year 2006 expenditure limit.

The Washington State Farm Bureau and other plaintiffs filed suit in Snohomish County Superior Court alleging state officials were proceeding with the understanding that ESSB 6090 (Laws of 2005, ch. 518) increased the state expenditure limit. Clerk’s Papers (CP) 998, 1005, 1006 (Complaint for Declaratory Relief, ¶¶ 41 and 42). Plaintiffs alleged this enactment, containing the 2005-2007 operating budget and the 2005 supplemental budget, did not increase the expenditure limit.

CP 1006, ¶ 44. The Expenditure Limit Committee (ELC) met in November 2005, concluded the appropriations and fund transfers in ESSB 6090 did increase the expenditure limit, and projected a fiscal year 2006 limit that reflected this conclusion. CP 468 - 469, 472, 1321.

In the next legislative session, after the legislature became aware of this issue but before any rulings in the pending litigation, it passed ESSB 6896, "AN ACT Relating to funding state budgetary reserves including an adjustment to the state expenditure limit; amending RCW 43.135.025 [and other matters]." The amendment to RCW 43.135.025 added the underlined language to RCW 43.135.025(6):

Each November, the state expenditure limit committee shall adjust the expenditure limit for the preceding fiscal year based on actual expenditures and known changes in the fiscal growth factor and then project an expenditure limit for the next two fiscal years. In calculating the expenditure limit for fiscal year 2006, the calculation shall be the expenditure limit established by the state expenditure limit committee in November 2005 adjusted as provided by this chapter and adjusted to include the fiscal year 2006 state general fund appropriations to [various accounts into which funds were transferred to increase the fiscal stability of those funds]. If, by November 30th, the state expenditure limit committee has not adopted the expenditure limit adjustment and projected expenditure limit as provided in subsection (5) of this section, the attorney general or his or her designee shall adjust or project the expenditure limit, as necessary.

ESSB 6896, § 7. ESSB 6896 was signed into law by the Governor on March 15, 2006, and took effect immediately. ESSB 6896, § 13 (Laws of 2006, ch. 56).

After ESSB 6896 was signed into law, the trial court heard summary judgment motions. CP 1309. The trial court ruled that the legislature's actions in ESSB 6090 "did not effectively increase the expenditure limit by \$250 million" and therefore the ELC had set the projected expenditure limit for fiscal year 2006 too high by \$250 million. CP 1324. The trial court's ruling on a motion for reconsideration again concluded that the ELC set the expenditure limit too high by \$250 million, and that the legislature's reference to the fiscal year 2006 expenditure limit in ESSB 6896, Section 7 "must be construed as referring to said expenditure limit as modified by this Court." CP 2433, 2434. Thus, the trial court declined to give effect to the legislature's most recent enactment on the fiscal year 2006 expenditure limit.

III. ISSUES ADDRESSED BY AMICUS CURIAE

- A. Whether giving effect to the legislature's most recent enactments in ongoing litigation is consistent with the separation of powers when legislation is enacted before entry of any final judgment.
- B. Whether all acts of successive legislatures are passed under equal constitutional authority, and the trial court erred in withdrawing from a

subsequent legislature its plenary power to make time-limited amendments to existing statutory law.¹

IV. ARGUMENT

A. Separation of powers principles call for courts deciding pending litigation to give effect to the legislature's most recent enactments.

The plaintiffs' argument that a legislative enactment "simply cannot divest a coordinate branch of government from performing its function of judicial review" misconceives the historical understanding of the separation of powers. Respondents' Opening Brief, p. 4. Indeed, if accepted, this assertion would be a major shift that would deprive the legislature of its long recognized authority to change statutory law unless it does so in a way that would change a final decision of the judicial branch of government. Under the plaintiffs' theory, the legislature's power would be constricted whenever a litigant initiated a lawsuit. This proposition is not supported by any precedent. Rather, it has long been established that the *final* decisions of courts are not subject to review and reversal by the legislative branch, because the legislature would then be purporting to perform the judicial function of setting aside a final ruling of

¹ As a former governor and legislator, Mr. Locke agrees with the position of the State of Washington regarding the scope of the executive and legislative privileges and the need for deliberations to be protected by these privileges. However, these privileges are addressed fully in other briefing.

a court. But amending statutory law is a legislative, not a judicial, function. If the law is amended while a lawsuit is pending, it is entirely consistent with principles of separation of powers for the court to give effect to the legislature's most recent enactment. Indeed, failure to do so impermissibly intrudes on the legislative power.

These principles are well-established in Washington law, which parallels the separations between the federal judicial and legislative powers that have been articulated by the United States Supreme Court since at least 1801, as the next section demonstrates.

1. For over two centuries courts have held that legislation enacted before entry of a final judgment is properly an exercise of legislative, not judicial, power.

This Court has stated clearly that “the legislature may pass a law that directly impacts a case pending in Washington courts.” *Port of Seattle v. Pollution Control Hearings Bd.*, 151 Wn.2d 568, 625, 90 P.3d 659 (2004). Similarly, in *Haberman v. Washington Public Power Supply System*, 109 Wn.2d 107, 143, 744 P.2d 1032, (1987), the Court noted: “A statute prescribing new rules to be applied to pending litigation is generally constitutional because it does not violate the separation of powers clause.” In *Port of Seattle* this Court rejected the claim that the legislature's actions violated the separation of powers simply because it

had discussed the pending lawsuit and intended its enactment to affect the outcome in that case. *Port of Seattle*, 151 Wn.2d at 626.

Washington's demarcation between the judicial power and the legislative power is similar to the separation in the United States Constitution. In *Miller v. French*, 530 U.S. 327, 344, 120 S. Ct. 2246, 147 L. Ed. 2d 326 (2000), the Supreme Court distinguished a statute that required federal courts to reopen final judgments, which was unconstitutional, from a statute that would have the effect of overturning the nonfinal judgment of an inferior court, which must be given effect:

We concluded that this retroactive command that federal courts reopen final judgments [in *Plaut v. Spendthrift Farm, Inc.*, 514 U.S. 211, 218-219, 115 S.Ct. 1447, 131 L.Ed.2d 328] exceeded Congress' authority. *Id.*, at 218-219, 115 S.Ct. 1447. The decision of an inferior court within the Article III hierarchy is not the final word of the department (unless the time for appeal has expired), and "[i]t is the obligation of the last court in the hierarchy that rules on the case to give effect to Congress's latest enactment, even when that has the effect of overturning the judgment of an inferior court, since each court, at every level, must 'decide according to existing laws.'" *Id.*, at 227 (quoting *United States v. Schooner Peggy*, 1 Cranch 103, 109, 2 L.Ed. 49 (1801)).

Thus, for over two hundred years the principle has been accepted that the legislative branch may continue its core function of enacting laws even when litigation is pending.

2. There are good policy reasons the legislature retains the power to amend the law while litigation is pending.

If litigation brings to light an ambiguity in an earlier statute, the legislature should have the opportunity to make it clear. A subsequent enactment that clarifies the legislature's meaning and intent places the lawmaking responsibility where it belongs – with the legislature. Where necessary, courts will construe an ambiguous statute to give effect to the intent of the legislature, but a clarifying statute makes it unnecessary to resort to rules of statutory construction to glean that intent.

Legislation affects not only the litigants, but all of the state's citizens. The fact that litigation brought that need to light should not prevent the legislature from clarifying a statute in order to ensure the legislature's judgment about the overall public interest is put into effect. These policies were noted in a related context in *United States v. Morton*, 467 U.S. 822, 835 n. 21, 104 S. Ct. 2769, 81 L. Ed. 2d 680 (1984), when the Supreme Court gave effect to a regulation adopted when litigation was pending:

Litigation often brings to light latent ambiguities or unanswered questions that might not otherwise be apparent. Thus, assuming the promulgation of § 581.305(f) was a response to this suit, that demonstrates only that the suit brought to light an additional administrative problem of the type that Congress thought should be addressed by regulation.

Lawmakers also may choose to modify the law in response to ongoing litigation if they determine that a change in the law serves the overall public interest. This was the choice Congress made in *Robertson v. Seattle Audubon Society*, 503 U.S. 429, 112 S. Ct. 1407, 118 L. Ed. 2d 73 (1992). Congress made a temporary modification to environmental laws to respond to ongoing litigation. In that case, environmental groups complained the spotted owl was afforded too little protection, and industry groups claimed the injunctions that had been entered were crippling the industry. Congress enacted a one-year adjustment to the environmental laws in an appropriations act to address the immediate concerns:

In response to this ongoing litigation, Congress enacted § 318 of the Department of the Interior and Related Agencies Appropriations Act, 1990, 103 Stat. 745, popularly known as the Northwest Timber Compromise. The Compromise established a comprehensive set of rules to govern harvesting within a geographically and temporally limited domain.

Id. at 433. By its terms, the law applied only to the districts in Oregon and Washington known to contain northern spotted owls, and the law expired automatically on the last day of the 1990 fiscal year. *Id.* at 433. The Supreme Court upheld this temporary amendment to environmental laws. The Court noted that Congress “may amend substantive law in an appropriations statute, as long as it does so clearly.” *Id.* at 440. The Court rejected claims such amendments intruded on the courts’ Article III

powers by purporting to direct results in pending cases. Rather, to the extent that the amendment affected the adjudication of the cases, it did so by effectively modifying the statutory provisions at issue in those cases, which was within Congress' power. *Id.* at 438.

3. Retroactive legislation that affects tax obligations for a limited period before the enactment does not violate constitutional guarantees.

These principles apply to tax legislation as well as other types of legislation. Contrary to plaintiffs' suggestion that such legislation would violate due process, *United States v. Carlton*, 512 U.S. 26, 30, 114 S. Ct. 2018, 129 L. Ed. 2d 22 (1994), noted that "[t]his Court repeatedly has upheld retroactive tax legislation against a due process challenge." There the Court was reviewing a curative amendment to a tax deduction, which was adopted because the original law had broader applicability than the Congress intended and allowed tax avoidance by certain transactions. The Court held the retroactive application of the tax law amendment clearly met the requirements of due process:

First, Congress' purpose in enacting the amendment was neither illegitimate nor arbitrary. Congress acted to correct what it reasonably viewed as a mistake in the original 1986 provision that would have created a significant and unanticipated revenue loss. . . .

Second, Congress acted promptly and established only a modest period of retroactivity. . . . Here, the actual retroactive effect of the 1987 amendment extended for a

period only slightly greater than one year. Moreover, the amendment was proposed by the IRS in January 1987 and by Congress in February 1987, within a few months of § 2057's original enactment.

Id. at 32 – 33. *See also United States v. Heinszen*, 206 U.S. 370, 27 S. Ct. 742, 51 L. Ed. 1098 (1907) (ratification by Congress of the illegal collection of duties on imports to the Philippine Islands which were levied under an executive order did not deprive importers of their property without due process of law, even though they had commenced an action to recover the amount of the duties so collected before the ratifying statute was enacted).

B. All acts of successive legislatures are passed under equal constitutional authority, and the trial court erred in withdrawing from the current legislature its plenary power to amend existing law.

The trial court decision also upsets another longstanding and important principle of the balance of power: the balance between successive legislatures. It is a fundamental principle that one legislature lacks the power to bind future legislatures.² No legislature can enact

² The only exception to this rule is the binding nature of contractual obligations entered by the State through the authorized acts of previous legislatures. *See Gruen v. State Tax Comm'n*, 35 Wn.2d 1, 54, 211 P.2d 651, (1949), *overruled on other grounds by State ex rel. State Fin. Comm. v. Martin*, 62 Wn.2d 645, 384 P.2d 833 (1963) (“It is further contended that the legislature of 1949 had no right to enact a law which would be binding upon future legislatures. It is, of course, a general rule that, one legislature cannot abridge the power of a succeeding legislature, and succeeding legislatures may repeal or modify acts of a former legislature. However, exceptions appear in those cases in which the legislative act is equivalent to a contract.”). This exception is not relevant here.

legislation that prevents its successor legislatures from exercising the lawmaking power, unless they are authorized to do so by the constitution. This lawmaking power includes the ability to amend laws on a time-limited basis to address emerging circumstances, without a permanent change in policy.

1. The expenditure limit is a statute—not a constitutional provision; like other statutes it is subject to change at the will of the legislature.

The principle that one legislature cannot bind a future legislature has been recognized again and again by state and federal courts. *See, e.g., LeRoux v. Secretary of State*, 465 Mich. 594, 640 N.W.2d 849, 861 (Mich. 2002) (“[O]ne Legislature cannot bind a future Legislature or limit its power to amend or repeal statutes.”); *Straughn v. Camp*, 293 So.2d 689, 694 (Fla. 1974) (“It is well established that one legislature cannot bind its successors with respect to the exercise of the taxing power”); *Texas & N.O.R. Co. v. Miller*, 221 U.S. 408, 414, 31 S. Ct. 534, 55 L. Ed. 789 (1911) (a legislature cannot “in any wise withdraw from its successors the power to take appropriate measures to guard the safety, health, and morals of all who may be within their jurisdiction.”); *United Milk Producers of Cal. v. Cecil*, 47 Cal. App. 2d 758, 118 P.2d 830, 834 (Cal. App. 1941) (“The legislature cannot bind a future legislature to a particular mode of repeal. It cannot declare in advance the intent of subsequent legislatures or

the effect of subsequent legislation upon existing statutes.” (quoting *Lewis' Sutherland Statutory Construction*, Vol. 1, § 224)); and *Kornegay v. City of Goldsboro*, 180 N.C. 441, 105 S.E. 187, 192 (N.C. 1920) (“[I]f the position of the plaintiff can be maintained, it would withdraw from subsequent legislatures the power of amendment or repeal. The finance act is simply a legislative act, not a constitutional provision, and like other acts is subject to change at the will of the Legislature.”).

The underpinnings of this rule were explained in the separate opinion of Chief Justice Taney in *Ohio Life Ins. & Trust Co. v. Debolt*, 57 U.S. 416, 431, 16 How. 416, 14 L. Ed. 997 (1853):

The powers of sovereignty confided to the legislative body of a State are undoubtedly a trust committed to them, to be executed to the best of their judgment for the public good; and *no one legislature can, by its own act, disarm their successors of any of the powers or rights of sovereignty confided by the people to the legislative body, unless they are authorized to do so by the constitution under which they are elected.* They cannot, therefore, by contract, deprive a future legislature of the power of imposing any tax it may deem necessary for the public service—or of exercising any other act of sovereignty confided to the legislative body, unless the power to make such a contract is conferred upon them by the constitution of the State. And in every controversy on this subject, the question must depend on the constitution of the State, and the extent of the power thereby conferred on the legislative body.

(Emphasis added.)

The trial court did not consider the current legislature as co-equal with prior legislatures and the people acting in their legislative capacity.³ Rather, the legislature's continuing ability to change existing law was viewed as a problem to be avoided rather than the legitimate exercise of legislative power. This is evident from the trial court's oral ruling. The trial court found it problematic that the expenditure limit could be "manipulate[d] by the legislature," CP 1316 – 1317, and that by making intentional changes to the expenditure limit applicable to the upcoming biennium "the legislature exploited a loophole in I-601. . ." CP1322. The trial court expressed concern that the "loophole"—the legislature's ability to change aspects of the law—"has the potential of trumping the intent and spirit of Initiative 601 altogether." CP 1322.

Yet the legislature's opportunity to change the law is precisely what makes the current legislature co-equal to previous legislatures. In ignoring this fundamental principle, the trial court elevated prior statutory law to constitutional status and its enactors to the position of constitutional framers. The trial court treated statements of intent enacted by prior legislatures as constrictions on the current legislature:

³ Under article II, § 1(c) of the Washington Constitution an initiative may not be amended or repealed by the legislature within a period of two years following such enactment, provided it may be amended within this two year period by two-thirds vote of the legislature. Otherwise, in enacting an initiative "the people's legislative power is coextensive with the legislature's . . ." *Coppernoll v. Reed*, 155 Wn.2d 290, 299, 119 P.3d 318 (2005).

These statements of intent suggest that the legislature should not be given the opportunity to set its own informal day-by-day fluctuating projection of the expenditure limit and use that to enact a budget. Rather, the legislature should step back and rely upon the annual process of calculating the expenditure limit by the Expenditure Limit Committee, using a three-year frame of reference and a chance to do long-term planning.

CP1315. Whether the legislature should follow the course set by a previous legislature or enact changes to the expenditure limit is a question for the legislature, and it is not within the province of the trial court to say what it “should” do. The only constrictions on legislative amendments are those set forth in the constitution, not those established by prior legislative bodies.

Indeed, the effect of the trial court’s ruling is to create a “loophole” in the rule that an act of one legislature does not tie the hands of future legislatures. This was the perspective of one commentator who noted the unanticipated problems and new demands that could face future legislatures, and argued they should not be prevented from acting by spending limit laws enacted by previous lawmakers:

[N]ot surprisingly, with many decades of practice, *policymakers have developed ways of evading the limits placed on their ability to bind future legislatures. The pursuit of these loopholes distorts the political process.* . . . Among other things, these [tax and expenditure] limitations leave state and local governments ill-prepared to respond to new demands for public services, including both

recessions and emergencies such as those springing from the September 11 attacks.

David A. Super, *Rethinking Fiscal Federalism*, 118 Harv. L. Rev. 2544, 2641-42 (2005) (emphasis added).

These unforeseen circumstances were among those referenced in the Senate floor debate on ESSB 6896. During that debate, an amendment was offered to the underlying striking amendment that became ESSB 6896 as enacted. The proponent described the effect of the defeated “amendment to the amendment” as follows: “Deletes the two sections that amend the Initiative 601 spending limit upward.” Amendment No. 385, attached as Appendix A. Senator Mark Doumit spoke in opposition to amendment 385 and noted that the events of 2001 and the fiscal problems that followed could not be anticipated by the people when they originally adopted Initiative 601. Speaking to the provisions of the bill that adjusted the fiscal year 2006 expenditure limit to include appropriations to various accounts to increase the fiscal stability of those accounts, he noted:

Without an amendment to 601, which unfortunately was drafted back in the early 1990’s without thought of times like we’ve been through, where we’ve had four years of massive downturn because of national problems—I don’t have to remind everybody about what happened on September 11th and the budget problems of 2001, 2002, and 2003 that followed. We’ve had about a five billion dollar downturn and now we have one year where we have an upturn. We need to save for the future. Now is the time.

Unfortunately, Initiative 601 didn't anticipate these kind [sic] of budget problems. That was I think 1993 or 1994 when that was adopted by the people. Times have changed, and we have to change with them.

Senate Floor Debate, March 06, 2006.⁴ As these comments illustrate, circumstances change and it is the legislature confronting these circumstances that must decide whether they warrant a change in the law.

2. Time-limited amendments to statutes are within the legislature's plenary power and allow the legislature to address contemporary circumstances without a permanent change in policy.

The legislature determined it was in the public interest to adopt section 7 of ESSB 6896 as statutory law that applied only to the fiscal year 2006 expenditure limit. The plaintiffs seem to suggest that the legislature did not have this option, but that its enactments were limited to a simple dichotomy—either repeal or amend existing law for the indefinite future, or refrain from any legislative enactment. *See* Respondents' Opening Brief at 14.

There is no constitutional basis for limiting the options of the legislature in this fashion. Nor would such limitations be wise. The legislature must take into account both the state's long term policy goals and the immediate needs faced by its citizens. Choices must be made and

⁴ Archived audio available at:
<http://www.tvw.org/search/siteSearch.cfm?keywords=Senate%20Floor&Date=2006&CFID=1152377&CFTOKEN=96571446>

competing interests considered. Past lawmakers could not foresee all circumstances that may arise, nor could past lawmakers weigh the consequences for the current citizenry of unswerving adherence to laws adopted in previous years. The lawmakers who *are* in a position to consider changed circumstances and current needs are those elected by the current citizenry. It is the lawmakers elected by the very people who are affected by its decisions who should weigh competing interests and determine whether or not to amend the existing law.

Each legislature is confronted with changed circumstances or emerging needs. In some instances, it is the judgment of the legislature that there should be time-limited amendments to statutory law to address the current situation, but that permanent changes in policy are neither necessary nor wise. Examples from the past legislative sessions illustrate this principle. One is described in *Retired Public Employees Council of Washington v. Charles*, 148 Wn.2d 602, 62 P.3d 470 (2003), where the Court upheld an amendment to the statutory scheme under which the Pension Funding Council set employer contribution rates for certain retirement systems. The legislature superseded the rates that had been set by the Council, adding a new section to RCW Chapter 41.45 that was in effect for a limited time because of unanticipated investment returns. Another example is the time-limited change to the definition of “water

pollution control facilities” in RCW 70.146.020(5) to make activities to protect public drinking water eligible for funding during one biennium. RCW 70.146.020(5); Laws of 1993, ch. 24, § 923. Similarly, the 2001 legislature enacted an amendment to RCW 43.72.902 to allow moneys in the public health services account to be expended, during the 2001-2003 biennium, for the costs associated with hepatitis C testing and treatment in correctional facilities. Laws of 2001, 2d Spec. Sess., ch. 7, § 916. It is evident that the legislature was enacting time-limited provisions to address immediate needs that faced the state.

The legislature is the body that is entrusted with the decision of whether a time-limited or enduring amendment is the best course to address ever changing circumstances. Such public policy decisions fall within the domain of lawmakers, whether the people by initiative or the legislature, unless some clear constitutional provision is implicated. As stated in *Fritz v. Gorton*, 83 Wn.2d 275, 287, 517 P.2d 911 (1974), “it is not the prerogative nor the function of the judiciary to substitute what they may deem to be their better judgment for that of the electorate in enacting initiatives or for the judgment of duly elected legislators unless the errors in judgment clearly contravene state or federal constitutional provisions.” The legislature exercised what it deemed to be the better judgment for the

fiscal year 2006 expenditure limit, and did not violate any constitutional constrictions on its power to act.

V. CONCLUSION

Consistent with long established principles of separation of powers, the legislature's amendment to RCW 43.135.025 should be given full effect and the order of the trial court that the 2005/2007 budget exceeds the expenditure limit should be reversed.

Dated this 26th day of October, 2006.



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APPENDIX A

SSB 6896 - S AMD to S AMD (JONE 010) 385
By Senator Zarelli

NOT ADOPTED 3/6/2006

1 On page 3, beginning on line 27, strike all material down to and
2 including line 3 on page 7. Renumber the sections consecutively and
3 correct internal references accordingly.

4 SSB 6896 - S AMD to S AMD (JONE 010) 385
5 By Senator Zarelli

6 On page 14, line 5 of the title amendment, strike "amending RCW
7 43.135.025 and 43.135.035;"

--- END ---

EFFECT: Deletes the two sections that amend the Initiative 601
spending limit upward.