

No. 81287-0

SUPREME COURT OF THE STATE OF WASHINGTON

LISA BROWN, Washington State Senator and Majority Leader of the
Washington State Senate,

Petitioner,

v.

BRAD OWEN, Lieutenant Governor of the State of Washington,

Respondent.

**PETITIONER'S ANSWER TO THE
FOUR AMICUS BRIEFS**

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I. THE AMICUS BRIEFS DO NOT REFUTE PETITIONER'S SHOWING THAT THE 2/3 SUPERMAJORITY PROVISION IN RCW 43.135.035(1) IS UNCONSTITUTIONAL

The Respondent interprets the simple majority specified in Article II, §22 to set only a “constitutional floor” for the passage of bills. If Respondent’s only-a-floor interpretation is correct, then it is constitutional for a statute to set a higher, 2/3 supermajority requirement for the passage of bills instead. Although the four amicus briefs support the Lieutenant Governor’s interpretation of Article II, §22, none refute the explanation in Petitioner’s July 14, 2008 Reply Brief (“Reply”) as to why the Lieutenant Governor’s interpretation is not correct.

1. The amicus briefs fail to refute that the Lieutenant Governor’s interpretation of Article II, §22 does not make sense.

Petitioner’s Reply explained that the Lieutenant Governor’s only-a-floor interpretation of Article II, §22 would make it constitutional for the legislature to pass a statute that imposes a 9/10 supermajority requirement on the passage of any bill that decreases taxes, as well as any bill that tries to reduce that 9/10 supermajority requirement. Such a supermajority statute would allow an 11% minority (e.g., 5 State Senators) to control whether the legislature ever lowers taxes in our State. None of the amicus briefs dispute that interpreting Article II, §22 to allow that result makes no sense.¹

¹ *Three amicus briefs completely ignore this fatal flaw in the Lieutenant Governor’s only-a-floor interpretation of Article II, §22, and the remaining amicus brief simply demands in a footnote (without any legal reasoning or authority) that the Reply Brief’s 9/10 supermajority example be disregarded.*

