

SENATE JOINT RESOLUTION 24

Proposed Constitutional Amendment

Official ballot title:*

VACANCY: LEGISLATIVE, COUNTY ELECTIVE OFFICES

Shall the State Constitution be amended to provide for filling vacancies in legislative or partisan county elective offices as follows:

(1) The county commissioners of the county affected shall appoint a person from the same legislative, county or county commissioner district and political party as the officer whose office has been vacated;

(2) On failure of the county commissioners to so appoint within sixty days, the governor shall within thirty days appoint a person similarly qualified?

Vote cast by members of the 1967 Legislature on final passage:

SENATE: (49 members) Yeas, 47; Nays, 0; Absent or not voting, 2.

HOUSE: (99 members) Yeas, 96; Nays, 0; Absent or not voting, 3.

*Ballot Title as issued by the Attorney General.

Statement **FOR**

The problem:

The approval of Senate Joint Resolution 24 is required to prevent subversion of the people's wishes and commands in county government and to guarantee full and adequate representation of the people. Under the present constitutional provision the county commissioners, when a vacancy occurs in a partisan elected county office, have complete and unqualified power to appoint, or not to appoint, a new official to the vacated position. For example, if the official vacating the county office is of a different party affiliation from that of the majority of county commissioners, they may subvert the will of the people by (1) filling the vacancy with a person of party affiliation contrary to that of the official vacating the office, or (2) not appointing any new official.

The solution:

The approval of Senate Joint Resolution 24 will further the will of the people by first placing qualification on the county commissioners' power of appointment. Their power will be restricted to the appointment of a person who is (1) from the same county or county commissioner district as the officer whose office has been vacated; (2) a member of the same political party; and (3) one of the three persons nominated by the county central committee of that party. Second, if the

county commissioners fail to act within 60 days time the governor shall make the appointment from the list of three nominees who shall be of the same political affiliation as the person who vacated the office.

The approval of Senate Joint Resolution 24 is required so as to prevent subversion of the people's wishes such as has occurred in Kitsap County in years past. The importance of Senate Joint Resolution 24 was recognized by the Legislature in its vote on the resolution. Unanimous approval was voiced—47 to 0 in the Senate, 96 to 0 in the House of Representatives.

Committee appointed to compose statement **FOR SJR 24:**

WILLIAM A. GISSBERG, State Senator; CHARLES W. ELICKER, State Representative; GORDON L. WALGREN, State Representative.

Advisory Committee: GARY SEXTON, Chairman.

*Explanatory comment issued by the
Attorney General as required by law*

The Law as it now exists:

Under the present constitution any vacancy in the legislature or any partisan county elective office is to be filled by appointment by the board of county commissioners of the county in which the vacancy occurs. Although the constitution does not prescribe any qualifications for appointment of a person to fill a vacancy in a partisan elective county office, it expressly provides that to be eligible for appointment to fill a vacancy in the legislature a person must be (1) from the same legislative district; (2) from the same political party as the legislator whose office has been vacated; and (3) one of the three persons nominated by the county central committee of that party.

In the case of a vacancy in a joint legislative district (encompassing two or more counties) the appointment is to be made by the joint action of the several boards of county commissioners from a list of three nominees (having the same qualifications stated above) submitted by the appropriate state central committee. The constitution presently provides that in the event the boards of county commissioners cannot, within 60 days, agree upon the appointment to fill a vacancy in a joint legislative district, the governor, within 30 days, shall fill the vacancy from the list of nominees. However, no similar

authority to resolve such an impasse is vested in the governor in the case of legislative vacancies in districts lying wholly in a single county, or in the case of partisan elective county offices, and our supreme court has held the legislature may not under the existing constitution vest such authority in the governor.

**Effect of Senate Joint Resolution No. 24
if approved into Law:**

The proposed amendment would first make the qualifications necessary for appointment to fill a vacancy in the legislature applicable, as well, to vacancies in partisan county elective offices. Thus, under the amendment, in order to be eligible to fill a vacancy in such a county office a person would have to be (1) a resident of the same county or county commissioner district as the officer whose office has been vacated; (2) a member of the same political party as the officer he succeeds; and (3) one of three persons nominated to fill the vacancy by the county central committee of that political party.

In addition, the amendment would provide that if the county commissioners cannot agree upon the appointment of a person to fill a partisan county elective office or a legislative office within 60 days, the governor shall, within 30 days, thereafter, fill the vacancy by appointing a person from the list of nominees.

Note: Complete text of Senate Joint Resolution No. 24 starts on Page 50.

Statement **AGAINST**

Before any constitutional amendment can be submitted to the voters for decision, our state constitution requires that the proposal must first be approved by at least two-thirds of the members of each branch of the state legislature.

Senate Joint Resolution No. 24 was so approved by the 1967 Legislature and no member could be enlisted to write a statement against the measure for publication in this pamphlet.

the dollar of assessed valuation, which assessed valuation shall be fifty per centum of the assessed and fair value of such property in money: *Provided, however,* That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than ~~[[twelve]]~~ twenty-four months prior to the date ~~[[on which]]~~ for making the proposed levy or levies ~~[[is to be made]]~~ and not oftener than twice in ~~[[such]]~~ any twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: *Provided, however,* That no taxing district shall submit to the electors thereof a proposition to authorize the levy of additional tax upon the authority of this subsection (a) to be made in any year for which the electors previously have authorized the levy of additional tax under the authority of this subsection (a) unless the proposed authorization is submitted to the electors by a proposition to substitute for the prior authorization under this subsection (a) a new authorization the amount of which will be adequate to fulfill all contractual obligations of the taxing district incurred by reason of the prior authorization, and unless the substitute proposition shall by its terms supersede the prior authorization and then be in lieu of any additional tax authorized by but not yet levied upon the authority of the superseded authorization;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: *Provided,* That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, *And provided further,* That the provisions of this section shall also be subject to the limitations contained in Article VIII, section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on gen-

eral obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

AND BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the Senate April 27, 1967.

JOHN A. CHERBERG,
President of the Senate.

Passed the House April 27, 1967.

DON ELDRIDGE,
Speaker of the House.

EXPLANATORY COMMENT S.J.R. NO. 23:

All words in double parentheses and lined through are in our State Constitution at the present and are being taken out by this amendment. All words underscored do not appear in the State Constitution as it is now written but will be put in if this amendment is adopted.

COMPLETE TEXT OF

Proposed Constitutional Amendment

SENATE JOINT RESOLUTION 24

Ballot Title as issued by the Attorney General:

VACANCY: LEGISLATIVE, COUNTY ELECTIVE OFFICES

Shall the State Constitution be amended to provide for filling vacancies in legislative or partisan county elective offices as follows:

- (1) The county commissioners of the county affected shall appoint a person from the same legislative, county or county commissioner district and political party as the officer whose office has been vacated;
- (2) On failure of the county commissioners to so appoint within sixty days, the governor shall within thirty days appoint a person similarly qualified?

BE IT RESOLVED, *By the Senate and the House of Representatives of the State of Washington, in Legislative Session Assembled:*

THAT, At the next general election to be held in this state, there shall be submitted to the qualified electors of the state, for their approval and ratification, or rejection, a proposed amendment to Article II, section 15 (as amended by Amendment 13 and Amendment 32), and to Article XI, section 6 of the Constitution of the State of Washington to read as follows:

Article II, section 15. (Amendment 32). Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs: *Provided,* That the person appointed to fill the vacancy must be from the same legislative district, county or county commissioner

district and the same political party as the legislator or partisan county elective officer whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district, county or county commissioner district and of the same political party as the legislator or partisan county elective officer whose office has been vacated, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: *Provided*, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated.

Article XI, section 6. The board of county commissioners in each county shall fill all vacancies occurring in any [~~county,~~] township, precinct or road district office of such county by appointment, and officers thus appointed shall hold office till the next general election, and until their successors are elected and qualified.

BE IT FURTHER RESOLVED, That the secretary of state shall cause the foregoing constitutional amendments to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the Senate March 17, 1967. Passed the House April 18, 1967.
JOHN A. CHERBERG, DON ELDRIDGE,
President of the Senate. Speaker of the House.
EXPLANATORY COMMENT S.J.R. NO. 24:

All words in double parentheses and lined through are in our State Constitution at the present and are being taken out by this amendment. All words underscored do not appear in the State Constitution as it is now written but will be put in if this amendment is adopted.

COMPLETE TEXT OF

Proposed
Constitutional Amendment

**HOUSE JOINT
RESOLUTION**

1

Ballot Title as issued by the Attorney General:

TAXATION BASED ON ACTUAL USE

Shall Article VII of the State Constitution be amended by adding a section authorizing the legislature to provide that farms, agricultural lands, standing timber and timberlands, and other open space lands used for recreation or enjoyment of their scenic or natural beauty, shall be valued for purposes of taxation on the basis of the use to which such property currently is being applied, rather than on the highest and best use?

BE IT RESOLVED, *By the Senate and House of Representatives of the State of Washington, in Legislative Session Assembled:*

THAT, At the next general election there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII of the Constitution of the State of Washington by adding thereto a new section to read as follows:

NEW SECTION. Article VII, section 11. Nothing in this Article VII as amended shall prevent the legislature from providing, subject to such conditions as it may enact, that the true and fair value in money (a) of farms, agricultural lands, standing timber and timberlands, and (b) of other open space lands which are used for recreation or for enjoyment of their scenic or natural beauty shall be based on the use to which such property is currently applied, and such values shall be used in computing the assessed valuation of such property in the same manner as the assessed valuation is computed for all property.

BE IT FURTHER RESOLVED, That the secretary of state shall cause the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House March 14, 1967. Passed the Senate April 28, 1967.
DON ELDRIDGE, JOHN A. CHERBERG,
Speaker of the House. President of the Senate.

EXPLANATORY COMMENT H.J.R. NO. 1:
All words underscored do not appear in the Constitution as it is now written but will be put in if this amendment is adopted.

COMPLETE TEXT OF

Proposed
Constitutional Amendment

**HOUSE JOINT
RESOLUTION**

13

Ballot Title as issued by the Attorney General:

**AUTHORIZING COMPENSATION
INCREASE DURING TERM**

Shall the State Constitution be amended by adding a new article permitting the compensation of all elected and appointed state,