

SENATE JOINT RESOLUTION

6

Proposed Constitutional Amendment

Official ballot title:*

AUTHORIZING STATE COURT OF APPEALS

Shall the State Constitution be amended to provide for establishment by the legislature of a state court of appeals with such jurisdiction as may be granted by statute or rules as authorized thereby; providing that the number, manner of election, compensation, term of office, removal and retirement of judges of such court shall be prescribed by statute; and providing that the administration and procedures of the court shall be prescribed by supreme court rules?

Vote cast by members of the 1967 Legislature on final passage:
SENATE: (49 members) Yeas, 47; Nays, 2; Absent or not voting, 0.
HOUSE: (99 members) Yeas, 88; Nays, 4; Absent or not voting, 7.

*Ballot Title as issued by the Attorney General.

Statement **FOR**

SJR 6 is a constitutional amendment which will provide faster and more efficient justice for Washington State citizens through the establishment of a new intermediate court of appeals.

Why does Washington State need a new Court of Appeals?

Presently the only court for handling appeals, the Washington State Supreme Court, is unable to cope with the increasingly heavy volume of appeals arising out of the lower courts. Population explosion, coupled with the legal problems created by the complexity of everyday life, is the principal reason for this severe "backlog" in our courts. Since criminal cases by law have priority on the court's calendar, the time could come, if we do nothing, when the Supreme Court would have no time for civil appeals.

Waiting for justice is injustice

The courts are for all citizens. The courts should be a place where people can settle all kinds of disputes and decide the guilt or innocence of persons charged with crimes in a reasonable period of time. Jammed courts cause delays. We need adequate courts, and when changing conditions threaten the efficiency of our judicial system, a change is required.

Act now

The time for change is now, before such injustice sets in. Passage of SJR 6 is the best way to solve the inadequacy of our present court system. A court of appeals works. Nineteen states have established intermediate appellate court systems as proposed in Washington under SJR 6.

Statewide Steering Committee: WILLIAM M. ALLEN, Board Chairman, The Boeing Co.; MRS. DOROTHY BUTTON, AAUW; EDWARD CARLSON, President, Western International Hotels; STEPHEN CHADWICK, SR., American Legion; JOSEPH DRUMHELLER, Spokane Businessman; HUGH A. EVANS, President, Superior Court Judges Assoc.; ROBERT C. FINLEY, Supreme Court Chief Justice; DR. C. CLEMENT FRENCH, Ex-president, WSU; THOMAS GOSE, President, State Bar Association; A. LARS NELSON, Master, State Grange; RENO ODLIN, Board Chairman, Puget Sound National Bank; MRS. HENRY OWEN, Seattle Civic Leader; CHARLES Z. SMITH, King County Superior Court Judge; JAMES T. SULLIVAN, Seattle Building Trades Council; MRS. MORTIMER THOMAS, President, State League of Women Voters.

Committee appointed to compose the statement FOR Senate Joint Resolution No. 6:

NEWMAN (ZEKE) CLARK, State Representative; FRED DORE, State Senator; AUGUST MARDESICH, State Senator.

Advisory Committee: STEWART BLEDSOE, State Representative; LOUIS BRUNO, State Supt. of Public Instruction; FATHER JOHN A. FITTERER, S.J., President, Seattle University; BEN H. SEFRIT, Publisher, Bellingham Herald; WESLEY C. UHLMAN, State Senator.

Effect of Senate Joint Resolution No. 6 if approved into Law:

The proposed amendment provides for establishment by the legislature of a new court of appeals. The new court's jurisdiction and extent of review power over superior courts is to be provided for by statute or by supreme court rule authorized thereby. The number, manner of election, compensation, term of office, removal and retirement of judges of the court of appeals are also to be prescribed by statute, while the administrative procedure of the court is to be prescribed by supreme court rule.

The Law as it now exists:

Under the present state constitution, the state court system is comprised of a supreme court, together with superior courts in each county, justices of the peace, and such inferior courts as the legislature may provide. The superior courts are primarily trial courts of original jurisdiction, although they also have appellate jurisdiction to the extent provided by appropriate legislative enactment with respect to causes arising in justice courts and other inferior courts in their respective counties. The supreme court has original jurisdiction in certain cases involving state offices and mandatory appellate jurisdiction in all actions or proceedings except in certain cases where the amount in controversy does not exceed \$200. In all of its appellate cases the supreme court is required to enter a written decision.

Note: Complete text of Senate Joint Resolution No. 6 starts on Page 48.

Statement AGAINST

It is neither desirable nor necessary to amend the Constitution to relieve the present congestion in the Supreme Court.

The creation of an intermediate appeals court will mean a second level of appellate procedure and an increase in the cost of litigation since many losers will appeal or attempt to appeal from the intermediate court to the Supreme Court with the resultant expense and added delay involved in an additional appeal.

The creation of an intermediate appeals court will create a non-authoritative body of law to complicate the task of ascertaining the Washington common law.

Relief of the congestion can be accomplished without amending the Constitution by a simple act of the Legislature by increasing the number of departments. The authority of the Legislature to set the number of departments and the number of judges is now in the Constitution, Section 2, Article IV.

The present two departments are fixed by statute, RCW 2.04.120. The Legislature, by amending this statute and increasing the number of judges, can provide for as many departments of the court simultaneously hearing cases as is deemed necessary.

Such operation would be similar to that followed by the Ninth Circuit Court of Appeals which has a number of panels that function like the departments of our Supreme

Court. The system there works well and the decisions are all those of the Circuit Court of Appeals with the authority of that court.

The amendment is unnecessary.

*Committee appointed to arrange for the statement
AGAINST SJR. No. 6:*

DAVID E. McMILLAN, State Senator; MRS. JOSEPH E. HURLEY, State Representative; LYLE L. IVERSEN, Attorney.

COMPLETE TEXT OF

**Proposed
Constitutional Amendment**

**SENATE JOINT
RESOLUTION**

5

Ballot Title as issued by the Attorney General:

**INVESTMENT OF PUBLIC PENSION
FUNDS**

Shall the Constitution of the state of Washington be amended by adding a new article and section permitting the moneys of any public pension or retirement fund to be invested in such manner as may be authorized by law?

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

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November 1968, there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to the Constitution of the state of Washington, by adding thereto Article XXIX, to be entitled "Investments of Public Pension and Retirement Funds", and section 1 thereof, which shall read as follows:

NEW SECTION. Article XXIX, section 1. Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund may be invested as authorized by law.

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 February 17, 1967. Passed the House March 9, 1967.
JOHN A. CHERBERG, DON ELDRIDGE,
President of the Senate. Speaker of the House.

EXPLANATORY COMMENT S.J.R. NO. 5:
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**

**SENATE JOINT
RESOLUTION**

6

Ballot Title as issued by the Attorney General:

**AUTHORIZING STATE
COURT OF APPEALS**

Shall the State Constitution be amended to provide for establishment by the legislature of a state court of appeals with such jurisdiction as may be granted by statute or rules as authorized thereby; providing that the number, manner of election, compensation, term of office, removal and retirement of judges of such court shall be prescribed by statute; and providing that the administration and procedures of the court shall be prescribed by supreme court rules?

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 to be held in this state, there shall be submitted to the qualified electors of this state, for their approval and ratification, or rejection, a proposal to amend Article IV of the Constitution of the state of Washington by adding thereto a new section to read as follows:

NEW SECTION. Article IV, section 29. COURT OF APPEALS.

(1) AUTHORIZATION. In addition to the courts authorized in section 1 of this article, judicial power is vested in a court of appeals, which shall be established by statute.

(2) JURISDICTION. The jurisdiction of the court of appeals shall be as provided by statute or by rules authorized by statute.

(3) REVIEW OF SUPERIOR COURT. Superior court actions may be reviewed by the court of appeals or by the supreme court as provided by statute or by rule authorized by statute.

(4) JUDGES. The number, manner of election, compensation, terms of office, removal and retirement of judges of the court of appeals shall be as provided by statute.

(5) ADMINISTRATION AND PROCEDURE. The administration and procedures of the court of appeals shall be as provided by rules issued by the supreme court.

(6) CONFLICTS. The provisions of this section shall supersede any conflicting provisions in prior sections of this article.

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 February 15, 1967. Passed the House March 9, 1967.

JOHN A. CHERBERG, President of the Senate.
DON ELDRIDGE, Speaker of the House.

EXPLANATORY COMMENT S.J.R. NO. 6:

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**

SENATE JOINT RESOLUTION 17

Ballot Title as issued by the Attorney General:

**PROVIDING FOR STATE BUILDING
AUTHORITY**

Shall Article VIII of the State Constitution be amended by adding a new section authorizing creation by the legislature of a state building authority to construct buildings and improvements for lease to state agencies or departments for up to seventy-five years, and to finance such construction through issuance of bonds or other evidences of indebtedness to be paid from the authority's revenues which would not be subject to the constitutional debt limitation?

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 to be held in this state, there shall be submitted to the qualified voters of this state for their approval and ratification, or rejection, a proposal to amend Article VIII of the Constitution of the state of Washington by adding thereto a new section to be designated section 8 which shall read as follows:

NEW SECTION. Article VIII, section 8. The legislature is empowered notwithstanding any other provision in this Constitution, to provide for a state building authority in corporate and politic form which may contract with agencies or departments of the state government to construct upon land owned by the state or its agencies, or to be acquired by the state building authority, buildings and appurtenant improvements which such state agencies or departments are hereby empowered to lease at reasonable rental rates from the Washington state building authority for terms up to seventy-five years with provisions for eventual vesting of title in the state or its agencies. This section shall not be construed as authority to provide buildings through lease or otherwise to nongovern-

mental entities. The legislature may authorize the state building authority to borrow funds solely upon its own credit and to issue bonds or other evidences of indebtedness therefor to be repaid from its revenues and to secure the same by pledging its income or mortgaging its leaseholds. The provisions of sections 1 and 3 of this article shall not apply to indebtedness incurred pursuant to this section.

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 February 17, 1967. Passed the House March 6, 1967.
JOHN A. CHERBERG, President of the Senate.
DON ELDRIDGE, Speaker of the House.

EXPLANATORY COMMENT S.J.R. NO. 17:

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**

SENATE JOINT RESOLUTION 23

Ballot Title as issued by the Attorney General:

**TAXING DISTRICTS:
EXCESS LEVY ELECTIONS**

Shall the State Constitution be amended to permit taxing districts, if authorized by the legislature, to submit propositions for property tax levies exceeding the forty-mill limit to their voters up to 24 months before the levy date, thereby permitting two consecutive annual excess levies to be approved at one election; and authorizing submission of a second proposition in any twelve-month period only if it is substituted for the excess levy previously approved for that year?

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

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1967, 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 amending section 2 as added by the 17th Amendment of the Constitution, as follows:

Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed forty mills on