



House Joint Resolution 64

PROPOSED CONSTITUTIONAL AMENDMENT

Vote cast by the members of the 1976 Legislature on final passage:
HOUSE [98 members]: Yeas, 84; Nays, 4; Absent or not voting, 10.
SENATE [49 members]: Yeas, 36; Nays, 9; Absent or not voting, 4.

Statement for

People Support Home Rule and Self Determination

Since 1948 the citizens of eight counties have elected freeholders to write home rule charters. Only in a single instance, King County in 1968, has a freeholder-devised charter been approved.

The freeholder method for writing a county home rule charter is time consuming and complex. This method has frustrated the citizens' desire for home rule on numerous occasions.

The current two-step process to obtain county home rule involves the election of freeholders who draft a charter, and a second election where citizens approve or reject the proposed charter. HJR 64 would simplify this by providing an alternative procedure.

HJR 64 Is Another Way To Acquire County Home Rule

Under HJR 64, the legislature must create a temporary commission which will draft from three to five model charters. Any of these charters may be placed on the ballot for the approval or rejection of county voters by either: (1) Vote of the county commissioners; or (2) Petition by county voters. These are the same requirements for a freeholder election.

Any charter must subsequently be approved by county voters. The only change is to a simpler, more direct method of obtaining county home rule using well-drafted charters.

Why County Home Rule?

Upon voter approval of a charter, a *charter county* may give its citizens:

- right to initiative and referendum,
- a modern and improved structure, and
- power to adapt, through voter-approved charter amendments, to changing needs.

Official Ballot Title:

Shall a state agency be created to draft several alternative model county home-rule charters for possible adoption by any county?

The Law as it now exists:

At the present time, all counties may adopt "home-rule" charters. Under the Constitution, there are two alternative means by which a proposed home-rule charter may be drafted and submitted to the people of the county for their approval.

HJR 64 Is People Power

Well drafted charters, reflecting different forms of county government, will enhance the citizens' ability to govern themselves.

Rebuttal of Statement against

HJR 64 CANNOT AUTHORIZE A LOCAL INCOME TAX

Courts have never recognized inherent taxing authority for charter counties.

HJR 64 is an alternative and less confusing procedure to obtain home rule. It does not grant new powers to counties, nor diminish the quality of county home rule.

DON'T BE MISLED—VOTE FOR HJR 64

The temporary commission shall be ". . . under the supervision of the legislature. . . ." HJR 64 was approved by the House 84-4 and by the Senate 36-9.

Opponents fear home rule. Their arguments are clever attempts to deceive. VOTE YES!

Voters' Pamphlet Statement Prepared by:

GEORGE FLEMING, State Senator; JOE D. HAUSSLER, State Representative; and ELEANOR LEE, State Representative.

Advisory Committee: DEAN COLE, Clark County Commissioner and President, Washington State Association of Counties; LOIS NORTH, State Senator, Republican; JEFF DOUTHWAITE, State Representative, Democrat; MARIANNE CRAFT NORTON, President, American Association of University Women; and JERRY KOPET, Spokane County Commissioner.

One such means is for the legislative authority (i.e., county commissioners or county council) to call for an election at which 15-25 freeholders are chosen to prepare and propose a charter. The other is by petition from a number of county voters equal to 10% of those persons who voted at the last preceding general election. In that case, both the question of whether or not to prepare a charter and the election of freeholders is on the same ballot.

Under either method, only one proposed charter may thereafter be submitted to the people of the county by the freeholders. The charter, once adopted, becomes the basic law governing the county and supersedes any previously existing charter.

The effect of House Joint Resolution 64, if approved into Law:

House Joint Resolution No. 64 would require the state legislature to create a County Home Rule Commission. The Commission would be empowered to draft at least three but not more than five model "home-rule" county charters. One or more of those model charters could then be submitted to the voters of any county for approval, ratification or rejection by either of two methods. The first method

would be by resolutions in the county legislative authority and the second would involve the filing of a petition calling for such an election signed by a number of county voters equal to ten percent of the voters who voted at the last preceding general election in the county. The present means of adopting a "home-rule" charter, described previously, would also remain in effect.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of House Joint Resolution 64 begins on Page 20.

Statement against

HJR 64 May Authorize Local Income Tax

Voters should carefully read the complete text of this deceptive constitutional amendment. The second paragraph of the proposed new section 17 states that a charter, upon adoption, shall supersede "all special laws inconsistent with such charter." This wide-open language could be interpreted to give counties broad new powers of taxation and regulation.

Local Control Will Be Undermined

The governor appoints all of the commissioners. Consequently, the content of the charters can be expected to emphasize the philosophy of the executive branch rather than that of the local citizen.

Costly New Commission Will Be Locked Into Our Constitution

We have too many costly commissions already, but this one will even have constitutional status. The commission is said to be temporary, but no expiration date is provided.

Dilutes Effectiveness of Present Freeholder Method

Our cherished and democratic freeholder method of framing a home rule charter is working well. Why cause confusion by adding another method?

HJR 64 Was Defeated In The Senate

The defects of this constitutional amendment were first recognized in the Senate where the measure was actually defeated in a roll call vote. However, subsequent parliamentary maneuvering resulted in its eventual passage. Now the citizens have their chance — a last chance — to defeat this measure. Vote "No" on HJR 64.

Rebuttal of Statement for

HOME RULE? By the proponents' own admission the present system is working, as is evidenced by King County's successful use of the freeholder method.

SELF DETERMINATION? We would actually be sacrificing this important concept by relying upon a commission controlled by the governor.

PEOPLE POWER? Our founding fathers, who advocated the true concept of people power, would be shocked at HJR 64, which clearly shifts additional control and influence to Olympia. Vote "No" on HJR 64.

Voters' Pamphlet Statement Prepared by:

KENT PULLEN, State Senator, Republican; JAMES P. KUEHNLE, State Representative, Republican; SAM C. GUESS, State Senator, Republican.

Advisory Committee: WILLIAM FOSBRE, Director, Taxpayers Information League; GLADYS E. EDWARDS, President, Property Owners Protection Association.



**EXISTING
CONSTITUTIONAL
PROVISIONS**

NOTE: The proposed constitutional amendment which appears on this page repeals or modifies the effect of other provisions of the state constitution. These affected provisions are printed in the left-hand column of the page so that voters may readily compare them to the proposed changes, in the right-hand column of the page, and determine how the existing constitutional language would be affected.

**PROPOSED
CONSTITUTIONAL
AMENDMENT**



Article XXX, Section 1

AUTHORIZING COMPENSATION INCREASE DURING TERM. The compensation of all elective and appointive state, county, and municipal officers who do not fix their own compensation, including judges of courts of record and the justice courts, may be increased during their terms of office to the end that such officers and judges shall each severally receive compensation for their services in accordance with the law in effect at the time the services are being rendered.

The provisions of section 25 of Article II (Amendment 35), section 25 of Article III (Amendment 31), section 13 of Article IV, section 8 of Article XI, and section 1 of Article XXVIII (Amendment 20) insofar as they are inconsistent herewith are hereby repealed.

Nothing in this section shall be deemed to prevent increases in pensions after such pensions shall have been granted.

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.

THE EFFECT OF THESE CONSTITUTIONAL PROVISIONS WOULD BE MODIFIED, BUT NOT REPEALED, BY HOUSE JOINT RESOLUTION 64:

Article XI, Section 4

COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION. The legislature shall establish a system of county government, which shall be uniform throughout the state except as hereinafter provided, and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine; and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made and the business of such county and the local affairs of the several townships therein, shall be managed and transacted in the manner prescribed by such general law.

Any county may frame a "Home Rule" charter for its own government subject to the Constitution and laws of this state, and for such purpose the legislative authority of such county may cause an election to be had, at which election there shall be chosen by the qualified voters of said county not less than fifteen (15) nor more than twenty-five (25) freeholders thereof, as determined by the legislative authority, who shall have been residents of said county for a period of at least five (5) years preceding their election and who are themselves qualified electors, whose duty it shall be to convene within thirty (30) days after their election and prepare and propose a charter for such county. Such proposed charter shall be submitted to the qualified electors of said county, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said county and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, or any existing form of county government, and all special laws inconsistent with such charter. Said proposed charter shall be published in two (2) legal newspapers published in said county, at least once a week for four (4) consecutive weeks prior to the day of submitting the same to the electors for their approval as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election and shall be given for at least ten (10) days before the day of election in all election districts of said county. Said elections may be general or special elections and except as herein provided, shall be governed by the law regulating and controlling general or special elections in said county. Such charter may be amended by proposals therefor submitted by the legislative authority of said county to the electors thereof at any general election after notice of such submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter or amendment thereto, any alternate article or proposition may be presented



COMPLETE TEXT OF

**House Joint
Resolution 64**



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 the state for their approval and ratification, or rejection, an amendment to the Constitution of the state of Washington by adding a new section 17 to Article XI to read as follows:

NEW SECTION. Article XI, section 17. In addition to the methods of framing a "Home Rule" charter which are contained in section 4 of this Article, a charter may be framed as provided in this section. The legislature shall without delay enact legislation that creates the county home rule commission which under the supervision of the legislature shall draft at least three but not more than five model "Home Rule" charters, any one or more of which may be submitted to voters of the county for approval and ratification, or rejection, by either: (1) A resolution of the county legislative authority; or (2) the filing of a petition calling for such an election which is signed by registered voters of any such county equal in number to ten per centum of the voters voting at the last preceding general election in the county. The county home rule commission shall be a temporary commission which shall be appointed by the governor with one-third of the commissioners being members of the legislature, one-third of the commissioners being incumbent elected county officials, and one-third of the commissioners being members of the general public of the state. A new county home rule commission with the same membership qualifications shall be appointed by the governor to redraft any of the model "Home Rule" charters upon the adoption of a resolution by the legislature calling for such appointment.

Upon the approval and ratification of such a proposed "Home Rule" charter by a majority of the voters of the county who vote on such a proposition, the charter shall become the organic law of the county and supersede any existing charter, including amendments thereto, or any existing form of county government, and all special laws inconsistent with such charter.

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.

 EXISTING CONSTITUTIONAL PROVISIONS	NOTE: The proposed constitutional amendment which appears on this page repeals or modifies the effect of other provisions of the state constitution. These affected provisions are printed in the left-hand column of the page so that voters may readily compare them to the proposed changes, in the right-hand column of the page, and determine how the existing constitutional language would be affected.	PROPOSED CONSTITUTIONAL AMENDMENT 
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for the choice of the voters and may be voted on separately without prejudice to others.

Any home rule charter proposed as herein provided, may provide for such county officers as may be deemed necessary to carry out and perform all county functions as provided by charter or by general law, and for their compensation, but shall not affect the election of the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, or the jurisdiction of the courts.

Notwithstanding the foregoing provision for the calling of an election by the legislative authority of such county for the election of freeholders to frame a county charter, registered voters equal in number to ten (10) per centum of the voters of any such county voting at the last preceding general election, may at any time propose by petition the calling of an election of freeholders. The petition shall be filed with the county auditor of the county at least three (3) months before any general election and the proposal that a board of freeholders be elected for the purpose of framing a county charter shall be submitted to the vote of the people at said general election, and at the same election a board of freeholders of not less than fifteen (15) or more than twenty-five (25), as fixed in the petition calling for the election, shall be chosen to draft the new charter. The procedure for the nomination of qualified electors as candidates for said board of freeholders shall be prescribed by the legislative authority of the county, and the procedure for the framing of the charter and the submission of the charter as framed shall be the same as in the case of a board of freeholders chosen at an election initiated by the legislative authority of the county.

In calling for any election of freeholders as provided in this section the legislative authority of the county shall apportion the number of freeholders to be elected in accordance with either the legislative districts or the county commissioner districts, if any, within said county, the number of said freeholders to be elected from each of said districts to be in proportion to the population of said districts as nearly as may be.

Should the charter proposed receive the affirmative vote of the majority of the electors voting thereon, the legislative authority of the county shall immediately call such special election as may be provided for therein, if any, and the county government shall be established in accordance with the terms of said charter not more than six (6) months after the election at which the charter was adopted.

The terms of all elective officers, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, who are in office at the time of the adoption of a Home Rule Charter shall terminate as provided in the charter. All appointive officers in office at the time the charter goes into effect, whose positions are not abolished thereby, shall continue until their successors shall have qualified.

After the adoption of such charter, such county shall continue to have all the rights, powers, privileges and benefits then possessed or hereafter conferred by general law. All the powers, authority and duties granted to and imposed on county officers by general law, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court and the justices of the peace, shall be vested in the legislative authority of the county unless expressly vested in specific officers by the charter. The legislative authority may by resolution delegate any of its executive or administrative powers, authority or duties not expressly vested in specific officers by the charter, to any county officer or officers or county employee or employees.

The provisions of sections 5, 6, 7, and the first sentence of section 8 of this Article as amended shall not apply to counties in which the government has been established by charter adopted under the provisions hereof. The authority conferred on the board of county commissioners by Section 15 of Article II as amended, shall be exercised by the legislative authority of the county.