



Senate Joint Resolution 132

PROPOSED CONSTITUTIONAL AMENDMENT

Vote cast by the 1980 legislature on final passage:
HOUSE (98 members): Yeas, 89; Nays, 8; Absent or not voting, 2.
SENATE (49 members): Yeas, 38; Nays, 6; Absent or not voting, 5.

Official Ballot Title:

Shall the constitution be amended to provide that the state no longer disclaims all rights to unappropriated federal public lands?

The law as it now exists:

The Washington State Constitution contains several provisions which are irrevocable without the consent of both the United States and the people of this state (acting through the Legislature). These provisions were placed in our constitution because of a requirement of the Federal Enabling Act, under which Washington became a state in 1889.

Among these irrevocable provisions is one whereby the people of this state forever disclaim all right and title to the unappropriated federal public lands within the state, and agree that until title thereto has been extinguished by the United States such lands shall be subject to the sole disposition of the United States. These public lands consist of all federal lands which have not been appropriated and dedicated to a specific purpose, or use, such as a military reservation or naval yard, a national park or national forest, or an Indian reservation.

The United States has not consented to the removal of this provision from our state constitution, nor, as yet, have the people of this state, either directly or through their elected representatives.

Effect of SJR 132, if approved into law:

The proposed amendment purports to remove from the constitution the disclaimer of all right and title to unappropriated public lands. If valid, the amendment would remove the presently existing legal impediment to control and disposition of these lands by the state. Because, however, the United States has not consented to the elimination of this provision, and because this amendment would thus

place our constitution out of conformity with the Federal Enabling Act, the validity of the proposed amendment is subject to serious legal question. Accordingly, there is a substantial doubt whether the proposed amendment, if adopted, will have any practical legal effect.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Senate Joint Resolution 132 begins on page 62.

Statement for

Today, 93.5% of all land controlled by the federal government is located in the 12 western states. The remaining 6.5% is spread across the 38 states east of the Rocky Mountains. This inequality is the result of a Congressional threat held over the heads of citizens of the western territories as a precondition for statehood. It was intended that these lands be held "in trust" by the federal government until the states were ready for statehood.

Washington's portion of the land — 311,157 acres in central and northeastern Washington — is currently managed by the federal Bureau of Land Management (BLM). BLM has a history of poor management of western lands, leading to environmental damage and waste of taxpayer monies.

SJR 132 will join Washington with the other 11 western states in a joint effort to restore Washington's equality of constitutional rights and powers with eastern states and correct an injustice our founding fathers never intended.

A "Yes" vote on SJR 132 will: 1. Assure the continuation of valuable county revenues for support of public needs; 2. Begin the process of eliminating over 2,500 conflicting and overlapping rules concerning these lands inflicted by an "absentee landlord"; 3. Will transfer 311,157 acres from the BLM to the State Department of Natural Resources which already manages state trust lands to the benefit of taxpayers, with Washington citizens receiving \$42.68 for every \$5.26 spent.

A "Yes" vote on SJR 132 will not affect national forests, parks, monuments, wildlife refuges or Indian and military reservation lands.

Rebuttal of statement against

Don't Be Misled by Cecil Andrus. The Bureau of Land Management (BLM) was an office and 34 employees which failed miserably in managing lands for the best advantage of all of Washington's citizens. An overwhelming majority of the Legislature voted to establish an orderly management program under the Department of Natural Resources, which has a proven record of wise and productive use of trust lands. Only after study and public hearings will the Legislature make the final decisions to govern our trust lands in perpetuity.

Voters Pamphlet Statement Prepared by:

AL HENRY, State Senator; SAM GUESS, State Senator; SCOTT BARR, State Representative.

Advisory Committee: MAX BENITZ, State Senator; HERB STREULI, President, Washington State Farm Bureau; DON RICKETTS, Executive Secretary, Washington Cattlemen's Association; JACK SILVERS, Master, Washington State Grange.

Statement against

DON'T BE HORNSWOGGLED

"An attempt is being made to hornswoggle all Americans out of a unique land heritage," says Cecil Andrus, U.S. Secretary of the Interior. "Cries of 'states rights' and 'equality' are being used in a thinly veiled attempt to open the public lands to questionable development and other special interest exploitation."

Andrus is referring to the "Sagebrush Rebellion" — the effort by cattlemen, timber, mining, and oil companies to wrest public land from federal ownership.

SJR 132: A LAND GRAB

Up for grabs in Washington are over 300,000 acres now managed in public trust for all Americans. Federal "multiple-use" management balances the needs for timber, grazing, and mining with the needs for hunting, fishing, recreation, wildlife habitat, and conservation.

Multiple-use management maximizes *public benefit*, not *profit*. The cost of managing this land in the public interest is now paid by *federal* not *state* dollars.

SJR 132: IF IT PASSES, YOU PAY

If SJR 132 passes, we would be forced to: Spend state money to continue multiple-use management; or forfeit public benefits — lease or sell the land to the highest bidder. In all likelihood, much of the land would be carved up, fenced, posted, and lost to the public.

SAVE OUR PUBLIC LAND: VOTE NO ON SJR 132

Rebuttal of Statement for

BLM now manages this land for the greatest public benefit. Washington's economy benefits from BLM's timber, rangeland, wildlife, recreation and resource management programs. Counties are paid in lieu of property taxes. As individuals, we benefit from public access for hunting, fishing and recreation. If SJR 132 passes, the state's taxpayers would have to pay to continue these benefits; or DNR could sell the land and we would be told "NO TRESPASSING."

Voters Pamphlet Statement Prepared by:

AL WILLIAMS, State Senator; SUSAN GOULD, State Senator; DICK NELSON, State Representative.

Advisory Committee: BOB SKANES, President, Washington State Sportsmen's Council; ROGER LEED, President, Washington Environmental Council; JANE SHAFER, President, League of Women Voters of Washington; TOM WIMMER, Public Lands Institute.



**COMPLETE TEXT OF
Senate Joint
Resolution 132**

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 Article XXVI of the Constitution of the state of Washington to read as follows:

Article XXVI. The following ordinance shall be irrevocable without the consent of the United States and the people of this state:

FIRST. That perfect toleration of religious sentiment shall be secured and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

SECOND. That the people inhabiting this state do agree and declare that they forever disclaim all right and title to the ~~((unappropriated public))~~ lands lying within the boundaries of this state ~~((and to all lands lying within said limits))~~ owned or held by any Indian or Indian tribes; ~~((and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States;))~~ and said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States and that the lands belonging to citizens of the United States residing without the limits of this state shall never be taxed at a higher rate than the lands belonging to residents thereof; and that no taxes shall be imposed by the state on lands or property therein, belonging to or which may be hereafter purchased by the United States or reserved for use: PROVIDED, That nothing in this ordinance shall preclude the state from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such an extent as such act of congress may prescribe.

THIRD. The debts and liabilities of the Territory of Washington and payment of the same are hereby assumed by this state.

FOURTH. Provision shall be made for the establishment and maintenance of systems of public schools free from sectarian control which shall be open to all the children of said state.

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.



**COMPLETE TEXT OF
House Joint
Resolution 37**

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 Article IV of the Constitution of the state of Washington by adding a new section to read as follows:

Article IV, section There shall be a judicial qualifications commission consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the district court judges, two persons admitted to the practice of law in this state selected by the state bar association, and two persons who are not attorneys appointed by the governor and confirmed by the senate.

The supreme court may censure, suspend, or remove a judge or justice for violating a rule of judicial conduct and may retire a judge or justice for disability which is permanent or is likely to become permanent and which seriously interferes with the performance of judicial duties. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease.

The supreme court shall specify the effect upon salary when disciplinary action other than removal is taken. The supreme court may not discipline or retire a judge or justice until the judicial qualifications commission recommends after notice and hearing that action be taken and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against a judge or justice.

The legislature shall provide for commissioners' terms of office and compensation. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings.

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.