

HOUSE BILL REPORT

HB 2447

As Reported By House Committee On:

State Government

Title: An act relating to recall petitions.

Brief Description: Specifying court procedures for recall petitions.

Sponsors: Representatives Kastama, Carrell, Campbell and Boldt.

Brief History:

Committee Activity:

State Government: 1/26/00, 2/1/00 [DP].

Brief Summary of Bill

- Requires that the statutory time frames for hearing recall proceedings and appeals therefrom supersede conflicting court rules.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 8 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Staff: Jim Morishima (786-7191).

Background:

Every elected public officer in the state is subject to recall by the voters for acts of malfeasance or for violating his or her oath of office. In connection with recall proceedings, the supreme court, concurrently with the superior court, has original jurisdiction to compel or prevent the performance of any act of a public officer. Washington statutory law requires the superior court to begin such a proceeding within 10 days from the time the cause of the complaint arises.

The supreme court also has appellate jurisdiction over the decisions of the superior court in such cases. Washington statutory law requires the supreme court to initiate

appeal proceedings within 15 days of a superior court decision and to make a final decision on the matter within 30 days.

The statutory time frames within which the court must hear recall cases and appeals therefrom have been superseded by supreme court rules. Generally, the supreme court has the inherent power to adopt procedural rules necessary to the operation of the courts. Such rules supersede conflicting statutory provisions. The Legislature may enact a statute that supersedes the court rule by directly referencing the rule in statute. However, the supreme court may, in turn, supersede the statute by amending the rule.

Summary of Bill:

The statutory time frames within which the court must hear recall cases and appeals therefrom supersede the conflicting supreme court rules.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: In recall cases, a ballot synopsis is almost impossible to get into superior court. Appeals can take up to seven months and can cost people seeking recall a great deal of money. This bill will send a message to the supreme court to reinstate the statutory time lines in recall cases.

Testimony Against: None.

Testified: Representative Jim Kastama, prime sponsor; Mark Bennett, Advocates for Legal System Overhaul; and Dale Washam.