

SENATE BILL REPORT

SB 6106

As of January 7, 2000

Title: An act relating to incapacity of members of the legislature.

Brief Description: Providing a procedure to fill temporary vacancies in the legislature due to incapacity.

Sponsors: Senators McCaslin and Patterson.

Brief History:

Committee Activity: State & Local Government: 1/12/2000.

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Staff: Diane Smith (786-7410)

Background: The Washington State Constitution addresses the possibility that a vacancy may occur in either house of the Legislature. In that case, the county central committee of the same district and party as the legislator's whose office has been vacated nominates three persons of the same district and party. From among these nominees the replacement is selected by the board of county commissioners of the county in which the vacancy occurs. If a majority of these county commissioners does not agree to the appointment within 60 days after the vacancy occurs, the Governor makes the appointment within 30 days thereafter, from the same list of nominees.

There is no statutory provision for a temporary absence of a legislator who cannot perform his or her legislative duties for health reasons.

Summary of Bill: If a member of the Legislature is incapacitated, then his or her position is filled on an interim basis as provided for the filling of vacancies in the state Constitution. Incapacity can be mental or physical. It is determined by two qualified medical professionals under the definition of incapacity as being unable to perform his or her legislative duties for an indeterminate period of time.

If a legislator recovers, he or she resumes the position as legislator immediately.

If a position becomes vacant due to death, resignation or removal of a legislator, then the interim appointee must immediately relinquish the position and the vacancy must be filled as required by the state Constitution.

Appropriation: None.

Fiscal Note: Not requested.

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

