

SENATE BILL REPORT

HB 2206

As Reported By Senate Committee On:
State & Local Government, March 24, 1999

Title: An act relating to declaratory judgment actions finding that county elected officials have abandoned their responsibilities.

Brief Description: Allowing declaratory judgment actions when county elected officials have abandoned their responsibilities.

Sponsors: Representatives Mulliken, Scott, Carrell and Constantine.

Brief History:

Committee Activity: State & Local Government: 3/22/99, 3/24/99 [DP].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Staff: Sharon Swanson (786-7445)

Background: A county elected official is required to take an oath of office to faithfully and impartially discharge the duties of office to the best of his or her abilities. A county elected official is paid a salary for the services required by law. Before entering office, an official must post a bond subject to the condition that he or she will faithfully perform the duties of his or her office.

Statutory provisions describe when a vacancy of office exists. A vacancy is caused by the following reasons: death; resignation; removal; ceasing to be a registered voter in the county; conviction of a felony, or any offense involving a violation of an oath of office; neglect by the official to take the oath of office; the election being declared void; and a judgment against the incumbent for breach of the condition of the bond. However, there are currently no specific vacancy provisions for abandonment of office.

A declaratory judgment is a binding adjudication of the rights and status of litigants even though no consequential relief is awarded.

Summary of Bill: A county legislative authority may take action in superior court seeking a declaratory judgment that a county elected official has abandoned his or her responsibilities. Abandonment is caused by being absent from the county, and failing to perform his or her official duties for a period of at least 30 consecutive days. Absences approved by the county legislative authority or absences for legitimate medical or disability purposes are not considered abandonment.

The county official is not eligible to receive compensation from the date a declaratory judgment is issued finding abandonment until the court issues a subsequent declaratory judgment finding that the county official has resumed performing his or her duties.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Most officials do not abandon their duties, but if this does occur small local governments are currently forced to continue payment of salary. This bill would allow for a mechanism to cut off salary payments until work resumes.

Testimony Against: None.

Testified: Representative Mulliken.