

SENATE BILL REPORT

SJR 8207

AS REPORTED BY COMMITTEE ON GOVERNMENTAL OPERATIONS,  
MARCH 5, 1991

**Brief Description:** Amending the Constitution to specify which officials, departments, and agencies must be located at the seat of government.

**SPONSORS:** Senators McCaslin and Williams.

**SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS**

**Majority Report:** That Substitute Senate Joint Resolution No. 8207 be substituted therefor, and the substitute joint resolution do pass.

Signed by Senators McCaslin, Chairman; Matson, and Sutherland.

**Staff:** Barbara Howard (786-7410)

**Hearing Dates:** February 21, 1991; March 5, 1991

**BACKGROUND:**

The boundaries of the "seat of government" and therefore the location of various state office facilities have been the subject of controversy since territorial days. The State Constitution prohibits the Legislature from moving the seat of government, but requires the question of its permanent location to be submitted to the voters (Art XIV Sec. 1). Olympia received the greatest number of votes at the November 1890 election, and thus became the permanent seat of government.

The next issue to arise was whether state agencies could be located outside of Olympia (in this case, Seattle). In 1954, the State Supreme Court agreed that Olympia is the seat of government, and decided in a 5-4 opinion to require state agencies to maintain their offices "at the capital city at Olympia" (State ex rel. Lemon v. Langlie, 45 Wn.2d 82). What was not decided was the delineation of the boundaries of Olympia.

Doubt on this issue has persisted. In a lengthy 1987 opinion to the Director of the Department of General Administration, the Attorney General reached several conclusions, most significant of which were: (1) "the 'seat of government' as used in our Constitution refers to the city of Olympia as it existed in 1890;" (2) "only the principal offices, namely the agency head and core administrative functions, ... are required to be located at the seat of government" (AGO 1987 No. 24).

The practical difficulty relates to decisions which have located some state offices in Lacey and Tumwater. One of the major considerations in choosing sites is land costs, which have continued to rise in most of Thurston County and inside the city limits of Olympia specifically.

It has been suggested that a constitutional amendment could clarify all of these ambiguities.

**SUMMARY:**

The seat of government must remain within the limits of Olympia. The Legislature, the Supreme Court and the offices and core administrative functions of the statewide elected officials must be located at the seat of government.

Agency heads and core administrative functions of executive offices not administered by a statewide elected official may be located anywhere within the boundaries of Thurston County.

The Legislature may authorize branch offices for executive agencies anywhere in the state, but the core administrative functions of a department may not be performed in the branch offices.

**EFFECT OF PROPOSED SUBSTITUTE:**

The boundaries of Olympia are specified as being now or hereafter altered. The location of branches may be prescribed by general law.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

This amendment will eliminate the confusion and doubt about where state agency offices may be located, and what the precise boundaries of Olympia are. It will also make clear that branches of state agencies can be located anywhere in the state.

**TESTIMONY AGAINST:**

The current provisions are working well. The new master planning process is allowing the state to locate facilities wherever it needs them, especially for small field offices that should not need to concern the Legislature.

**TESTIFIED:** Grant Fredericks, Dept. of General Administration; Ian MacGowan, City of Olympia (con)