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SENATE JOINT RESOLUTION 8205

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State of Washington

59th Legislature

2005 Regular Session

By Senators Fraser and Honeyford

Read first time 01/20/2005. Referred to Committee on Water, Energy & Environment.

1 BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
2 STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

3 THAT, At the next general election to be held in this state the  
4 secretary of state shall submit to the qualified voters of the state  
5 for their approval and ratification, or rejection, an amendment to  
6 Article IV, section 6 of the Constitution of the state of Washington to  
7 read as follows:

8 Article IV, section 6. Superior courts and district courts have  
9 concurrent jurisdiction in cases in equity. Except as provided in  
10 Article IV, section ..., the superior court shall have original  
11 jurisdiction in all cases at law which involve the title or possession  
12 of real property, or the legality of any tax, impost, assessment, toll,  
13 or municipal fine, and in all other cases in which the demand or the  
14 value of the property in controversy amounts to three thousand dollars  
15 or as otherwise determined by law, or a lesser sum in excess of the  
16 jurisdiction granted to justices of the peace and other inferior  
17 courts, and in all criminal cases amounting to felony, and in all cases  
18 of misdemeanor not otherwise provided for by law; of actions of  
19 forcible entry and detainer; of proceedings in insolvency; of actions

1 to prevent or abate a nuisance; of all matters of probate, of divorce,  
2 and for annulment of marriage; and for such special cases and  
3 proceedings as are not otherwise provided for. The superior court  
4 shall also have original jurisdiction in all cases and of all  
5 proceedings in which jurisdiction shall not have been by law vested  
6 exclusively in some other court; and said court shall have the power of  
7 naturalization and to issue papers therefor. They shall have such  
8 appellate jurisdiction in cases arising in justices' and other inferior  
9 courts in their respective counties as may be prescribed by law. They  
10 shall always be open, except on nonjudicial days, and their process  
11 shall extend to all parts of the state. Said courts and their judges  
12 shall have power to issue writs of mandamus, quo warranto, review,  
13 certiorari, prohibition, and writs of habeas corpus, on petition by or  
14 on behalf of any person in actual custody in their respective counties.  
15 Injunctions and writs of prohibition and of habeas corpus may be issued  
16 and served on legal holidays and nonjudicial days.

17 THAT, At the next general election to be held in this state the  
18 secretary of state shall submit to the qualified voters of the state  
19 for their approval and ratification, or rejection, an amendment to  
20 Article IV of the Constitution of the state of Washington by adding a  
21 new section to read as follows:

22 Article IV, section . . . (1) Authorization. In addition to the  
23 courts authorized in section 1 of this article, judicial power over  
24 cases involving water resources is also vested in a water court.

25 (2) Jurisdiction. The jurisdiction of the water court shall be as  
26 provided by statute or by rules authorized by statute.

27 (3) Review of Water Court Actions. Water court actions may be  
28 reviewed by the court of appeals or by the supreme court as provided by  
29 statute or by rule authorized by statute.

30 (4) Judges. The number, manner of election, compensation, terms of  
31 office, removal, and retirement of judges of the water court shall be  
32 as provided by statute.

33 (5) Administration and Procedure. The administration and  
34 procedures of the water court shall be as provided by rules issued by  
35 the supreme court.

36 (6) Conflicts. The provisions of this section shall supersede any  
37 conflicting provisions in prior sections of this article.

1 BE IT FURTHER RESOLVED, That the secretary of state shall cause  
2 notice of this constitutional amendment to be published at least four  
3 times during the four weeks next preceding the election in every legal  
4 newspaper in the state.

5 BE IT FURTHER RESOLVED, That this amendment is a single amendment  
6 within the meaning of Article XXIII, section 1 of the state  
7 Constitution.

8 The legislature finds that the changes contained in this amendment  
9 constitute a single integrated plan for the establishment of a water  
10 court. If this amendment is held to be separate amendments, this joint  
11 resolution is void in its entirety and is of no further force and  
12 effect.

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