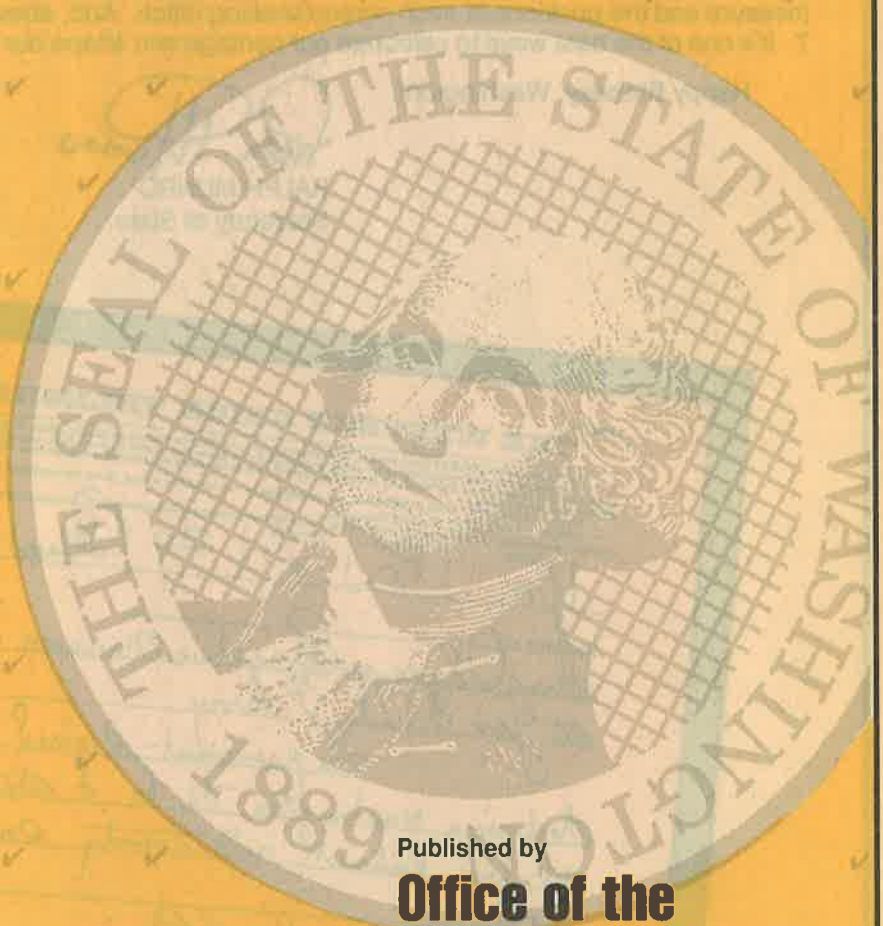


1989 VOTERS PAMPHLET



State
General
Election

Nov. 7
1989



Published by

**Office of the
Secretary of State**

Introduction to the 1989 Voters Pamphlet

One hundred years ago, the people of Washington Territory set the stage for Washington Statehood by voting in the general election of October 1, 1889. Using ballots like those shown on the facing page, they ratified a proposed state constitution, elected a slate of state and local candidates and narrowed the field of cities vying for the location of the state capital.



The dream of Statehood became a reality on November 11, 1889, when President Benjamin Harrison signed the documents admitting Washington as the 42nd state in the Union. (Elisha P. Ferry, the state's first governor, must have had mixed emotions when he read the telegram shown below. The 61-cent cable was sent collect!)

In just a few days, the citizens of our state will set the stage for Washington's second century by voting in the November 7 state general election. This election, which takes place just five days before the state's 100th birthday, features a number of important issues at both the state and the local levels. In addition, voters will elect candidates for thousands of local government positions ranging from school board member to fire district commissioner to mayor.

These issues and candidates will play a crucial role in guiding Washington into its next 100 years. As you prepare to go to the polls, I urge you to thoroughly examine the issues surrounding each ballot measure and the positions of each person seeking office. And, above all, be sure to vote on November 7. It's one of the best ways to celebrate our heritage *and* shape our future.

Happy Birthday, Washington!

Ralph Munro
RALPH MUNRO
Secretary of State

Form No. 1.

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TEOS. T. ECKHART, General Manager.

3019
J. P. H. Olympia
Nov 11 1889

NUMBER	SENT BY	RECD BY
Yr	En	a

29 Collect-61c

Received at
Olympia Executive Mansion Washington

To Gov Elisha P. Ferry

The president signed the proclamation
declaring Washington to be a state in the union
at five o'clock and twenty seven minutes this
afternoon

Jac. G. Blaine

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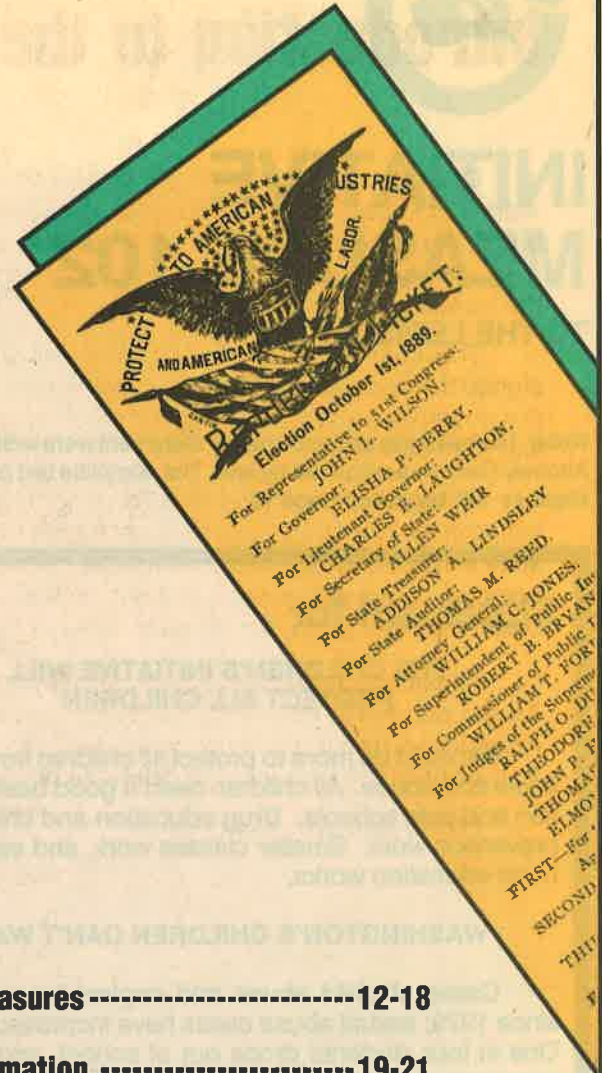
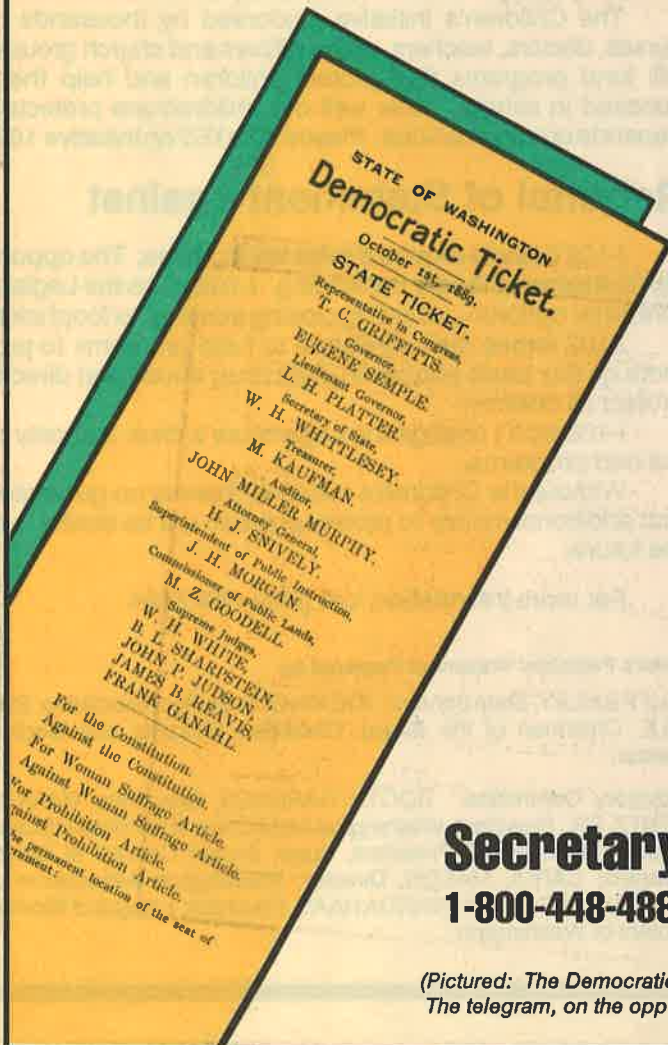
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Secretary of State Toll-Free Hotlines
1-800-448-4881, TDD (Hearing Impaired) 1-800-422-8683

(Pictured: The Democratic and Republican ballots are from Washington's 1889 statewide election. The telegram, on the opposite page, and ballots are courtesy of the Washington State Archives.)



INITIATIVE MEASURE 102

TO THE LEGISLATURE

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 102 begins on page 12.

Statement for

THE CHILDREN'S INITIATIVE WILL PROTECT ALL CHILDREN

We must do more to protect *all* children from drugs, crime and abuse. *All* children need a good basic education and safe schools. Drug education and child abuse prevention work. Smaller classes work, and early childhood education works.

WASHINGTON'S CHILDREN CAN'T WAIT

Cases of child abuse and neglect have doubled since 1979; sexual abuse cases have increased fivefold. One in four students drops out of school, and half our prisoners are dropouts. 80,000 youths need help for alcohol or drug abuse; and nearly one-third of the babies born in our major hospitals are addicted to drugs. 93 percent of mentally ill children never receive treatment. One-third of the children living in poverty are under 5.

THE CHILDREN'S INITIATIVE IS AN INVESTMENT IN PREVENTION

Every penny we spend on children now will save thousands of dollars later for adult social services, welfare or imprisonment. It costs \$2,851 per year to educate a child -- but \$21,969 to house a prisoner.

Health care during pregnancy costs far less than treating sick babies. Help for a child failing in school costs one-fifth as much as repeating a grade.

Official Ballot Title:

Shall the State support of children and family services and K-12 education programs be increased by \$360,000,000 in new taxes?

The law as it now exists:

The State Constitution, as interpreted by the State Supreme Court, requires that the State adequately fund basic education in the K-12 public schools. Some State taxes and revenues are identified by the Constitution and statutes to be for school purposes. The

ALL CHILDREN NEED PROTECTION

Adults who prey on vulnerable children are not born predators. Drugs, gangs, abuse and neglect can turn a happy, healthy child into a dangerous adult. One child at risk today can put a whole community at risk tomorrow.

The Children's Initiative, endorsed by thousands of nurses, doctors, teachers, police officers and church groups, will fund programs that protect children and help them succeed in school. How well our children are protected depends on you, the voter. Please vote YES on Initiative 102.

Rebuttal of Statement against

I-102 doesn't require a sales tax increase. The opposition's statement is very misleading. I-102 gives the Legislature other options -- including closing existing tax loopholes.

I-102 *forces* the Legislature to fund programs to promote quality basic education, fight drug abuse and directly protect all children.

I-102 won't change the Legislature's clear authority to cut bad programs.

Without the Children's Initiative, there is no guarantee that additional money to protect children will be available in the future.

For more information, call (206) 682-7424.

Voters Pamphlet Statement Prepared by:

CLIFF BAILEY, State Senator; JOE KING, State Representative; SUE LILE, Chairman of the Board, Children's Hospital and Medical Center.

Advisory Committee: BOOTH GARDNER, Governor; GARY L. LENTZ, SR., President, Washington State Council of Police Officers; FRANK N. MORRIS, President, Puget Sound Council of Senior Citizens; CAROL MASON, Director, Washington Association of Child Abuse Councils; WANDA HAAS, President, League of Women Voters of Washington.

amount authorized to be spent for the K-12 education program is established by the Legislature. The funding of children's services is also as established by the Legislature, there are no statutes earmarking revenues for those purposes.

The effect of Initiative Measure 102, if approved into law:

This Initiative would, if enacted, declare a State commitment to increase the funding for children's needs including but not limited to treatment of abuse and neglect, health care, nutrition, rehabilitation, aid for families with dependent children, prenatal care, child care and education. The measure would not affect the State's responsibility to adequately fund basic education under the K-12 program.

If the Legislature fails to enact new or increased taxes sufficient to raise at least \$360,000,000 during the fiscal year July 1, 1990 through June 30, 1991, then the rate of the State sales and use taxes will be increased 0.9 percent. Those tax revenues are directed to be equally divided between children's services and the K-12 education programs. These funds are to be in addition to previously approved legislative appropriations.

Children's services include prevention and early intervention

services, services for abused and neglected children, maternal and child health services, early childhood education, child care, family support services, out-of-home placements, children mental health services, developmentally disabled services, prevention and treatment of substance abuse, juvenile rehabilitation, nutrition programs for women, infants and children, emergency services for homeless children, increased availability of prenatal delivery and post-natal care for pregnant women and infants, health care for children, increased payment standards for aid to families with dependent children and other programs that promote health, protection and welfare and education of children and their families.

The education funds are to be expended for reducing class sizes, especially in elementary grades, basic skills learning assistance programs, programs for handicapped children, programs for at-risk children and children from economically disadvantaged and minority backgrounds, in-service training for instructional staff and other programs and purposes which promote high-quality education for children.

A Children's Initiative Fund Oversight Committee would be created consisting of eleven persons appointed by the Governor and four by the Legislature. The committee is to analyze needs and make annual reports to assist in determining which programs and purposes should be supported by the children's fund appropriation.

Statement against

A 14% TAX INCREASE

Initiative 102 will raise our sales tax by 14%. I-102 will take at least \$360 million each year from working families -- some struggling just to get by -- and give that money to an expanded bureaucracy.

None of the money will go directly to children. No one knows exactly how the money will be spent *except for an 8% increase in welfare payments*. Most of the money will go to state agencies to be spent as *they see fit*.

BIGGER GOVERNMENT

Under I-102, *no government program may be cut or eliminated -- even programs that don't work -- to provide more funds for children's programs*. We could only make government bigger, never smaller.

I-102 creates a new layer of government, an "Oversight Committee," to tell the Legislature how to spend the money. Half the members of the committee will be state workers from the agencies receiving the new tax money.

MORE IS NEVER ENOUGH

This year the Legislature increased state spending by 20% and provided an *additional \$1.2 billion* for the very programs I-102 would fund including prenatal care, family services and K-12 education.

To the people who are backing I-102 -- the state teachers' union, social service agencies and others who would benefit from a tax increase -- this is not enough. To them, more is *never* enough.

MORE GOVERNMENT WON'T MAKE HEALTHIER, SAFER CHILDREN

A 14% tax increase won't stop abusive parents. A bigger bureaucracy won't stop children from turning to drugs or alcohol.

Parents earning decent wages to provide good homes *will* help. Don't take more money from working families to give to the bureaucracy. Vote *NO* on I-102.

Rebuttal of Statement for

Claim: Initiative 102 "...will fund programs that protect children...". What programs? *Fact: Only guarantee is 8% increase in welfare payments.*

Claim: Initiative 102 is "...investment in prevention."
Fact: Legislature just added \$1.2 billion for specific preventative programs -- education, prenatal care, family services. Fact: 14% sales tax increase with no spending controls. \$360 million will be allocated this year and every year. No program can be cut.

Don't give bureaucrats a blank check. Vote *NO* on Initiative 102.

For more information, call (206) 354-6035.

Voters Pamphlet Statement Prepared by:

LINDA SMITH, State Senator; MIKE PADDEN, State Representative; CATHY MICKELS, Chairwoman, Mothers' Campaign For Family.

Advisory Committee: BOB WILLIAMS, Research Director, Washington Institute for Public Policy Studies; JIM HARGROVE, State Representative; JOHN CARLSON, President, Washington Institute for Public Policy Studies; GRETCHEN OSTROM, Co-Chair, Mother's Campaign For Family.



SENATE JOINT RESOLUTION 8200

PROPOSED CONSTITUTIONAL AMENDMENT

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Senate Joint Resolution 8200 begins on page 14.

Vote cast by the 1989 Legislature on final passage:

HOUSE: Yeas, 97; Nays, 0; Absent or not voting, 1.

SENATE: Yeas, 43; Nays, 0; Absent or not voting, 6.

Statement for

VICTIMS OF CRIME DESERVE RIGHTS WHICH ARE PROTECTED BY THE WASHINGTON STATE CONSTITUTION

Many victims of crime have expressed regret at having insufficient involvement in the prosecution of criminal cases because victims have very few rights. This amendment to the Washington State Constitution will establish and protect the rights of crime victims. The resolution will give our citizens more confidence that our criminal justice system is truly fair.

VICTIMS SHOULD BE GIVEN REASONABLE ACCESS TO THE CRIMINAL JUSTICE SYSTEM

We cannot have an effective criminal justice system without the active participation of crime victims. Victims are able to explain the impact of the crimes on their lives and the resulting trauma to their families. The courts need to understand the full ramifications of the crime committed. It is also time that this state recognizes that crime victims have an inherent right to participate in the sentencing of criminal offenders.

SJR 8200 WILL GIVE VICTIMS OF CRIME A VOICE IN THE CRIMINAL JUSTICE SYSTEM

Victims of felonies will have the right to be informed of the time and date of trial, and all other proceedings which the defendant has the right to attend. A victim may attend all criminal proceedings, subject to the discretion of the judge. A victim may also make a statement at the defendant's sentencing and at any hearing where the de-

Official Ballot Title:

Shall the State Constitution be amended to provide that victims of charged felony crimes shall have certain basic fundamental rights?

The law as it now exists:

The Washington State Constitution does not contain any provisions specifically relating to victims of crime nor does it create any victims' rights.

endant's release is being considered. Nothing in this resolution will slow prosecutions or be cause for a reversal of a conviction.

VOTE "YES" ON SJR 8200

Victims of crime who are involved in the judicial process deserve the right to be treated with dignity, respect and fairness. A "YES" vote will ensure that victims of crime are afforded meaningful involvement in the critical stages of the criminal justice process.

Voters Pamphlet Statement Prepared by:

KENT PULLEN, State Senator; JAY R. INSLEE, State Representative; KEN EIKENBERRY, Attorney General.

The effect of SJR 8200, if approved into law:

This measure would amend the State Constitution to declare certain basic fundamental rights for victims of a crime which is charged as a felony. A felony is now defined as a crime punishable by one year or more of imprisonment. A victim would be entitled, after giving notice to the prosecuting attorney, to be informed of, and subject to the discretion of the court, the right to: (1) attend trial and all other court proceedings that the defendant has a right to attend; (2) make a statement at the time of sentencing and any proceeding where a defendant's release is considered. Such statements would be subject to rules of procedure.

If the victim is deceased, incompetent, unable to attend, or is a minor, a representative can be designated to exercise the victim's rights.

Statement against

State law requires that the argument and rebuttal statement against a constitutional amendment be written by one or more members of the state Legislature who voted against that proposed measure on final passage or, in the event that no such member of the Legislature consents to prepare the statement, by any other responsible individual or individuals to be appointed by the Speaker of the House of Representatives, the President of the State Senate, and the Secretary of State. No legislator who voted against Senate Joint Resolution 8200 or other individual opposing the measure consented to write an argument against the measure for publication in this pamphlet.



SENATE JOINT RESOLUTION 8200 PROPOSED CONSTITUTIONAL AMENDMENT

SENATE JOINT RESOLUTION 8200, AS AMENDED BY THE SENATE, APRIL 27, 1988, IS AS FOLLOWS:

SECTION 1. The section of the Michigan Constitution which reads as follows shall be amended to read as follows:

SECTION 2. The section of the Michigan Constitution which reads as follows shall be amended to read as follows:

Statement for

STRENGTHENING THE JUDICIAL CONDUCT COMMISSION WILL RESTORE PUBLIC CONFIDENCE

Allocation of scarce judicial resources must be based on an efficient and equitable basis. The judicial system's handling of such cases has a direct impact on the public and the Commission on Judicial Conduct.

Only by adopting SJR 8200 can we insure public confidence in the judicial system. Only by strengthening the Commission will we restore public confidence in the judicial system.

The great majority of judges in this state are honest, diligent, and hard working. They deserve the respect and the protection of confidence which promote

ALL CASES MADE IMPARTIAL IMPROVEMENTS IN THE COMMISSION AND ITS OPERATIONS

The improvement of the Commission is required and our system has given a priority of the judiciary. The Commission is directed to take a more active role in cases of possible judicial misconduct. The Commission is required to investigate, hear, and report on all complaints against judges and judges' employees.

The Commission's primary duty is to restore public confidence in the judiciary. Open the Commission for more frequent and more active participation in the public's selection of judges.



SENATE JOINT RESOLUTION 8202

PROPOSED CONSTITUTIONAL AMENDMENT

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Senate Joint Resolution 8202 begins on page 14.

Vote cast by the 1989 Legislature on final passage:

HOUSE: Yeas, 93; Nays, 3; Absent or not voting, 2.

SENATE: Yeas, 40; Nays, 3; Absent or not voting, 6.

Statement for

STRENGTHENING THE JUDICIAL CONDUCT COMMISSION WILL RESTORE PUBLIC CONFIDENCE

Allegations of serious misconduct by judges must be handled in as fair and as open a way as possible. The mostly secret handling of such cases has shaken public confidence in judges and in the Commission on Judicial Conduct.

Only by adopting SJR 8202 can we insure public awareness of judicial misconduct when it occurs. Only by adopting this amendment can we restore public confidence that such misconduct will be dealt with appropriately.

The great majority of judges in this state are honorable, competent and hard working. They deserve the respect that this restoration of confidence will promote.

SJR 8202 MAKES IMPORTANT IMPROVEMENTS IN THE COMMISSION AND ITS OPERATIONS

The membership of the commission is increased and non-lawyers are given a majority of the membership.

The commission is directed to take a more active investigative role in cases of possible judicial misconduct. The commission is required to hire appropriately trained and experienced investigative personnel.

The commission's disciplinary actions are made open to public scrutiny. Once the commission has determined there is probable cause to believe judicial misconduct has occurred, all subsequent proceedings of the commission must be open to the public. In addition, all of

Official Ballot Title:

Shall the State Constitution's provision creating the Judicial Conduct Commission be revised to more explicitly describe its process and authority?

The law as it now exists:

The Judicial Conduct Commission, which consists of nine members, four of whom are non-lawyers, is empowered to consider complaints against judges. However, sanctions against a judge can only be imposed by the State Supreme

the investigative material that led to the finding of probable cause must be made public.

CONSTITUTIONAL CHANGE IS NECESSARY

The public cannot be adequately protected by the secret procedures of the past. This constitutional amendment provides a balance between the needs of an independent judiciary and the needs of the public to be protected from judicial misconduct.

Vote *FOR* SJR 8202.

Voters Pamphlet Statement Prepared by:

MAX E. BENITZ, State Senator; KENT PULLEN, State Senator;
MARLIN APPELWICK, State Representative.

Court. The commission first conducts an initial proceeding, which is confidential, to determine whether sufficient reason exists to conduct a hearing. Hearings after the initial hearing are open to members of the public. If the Commission, after a hearing, concludes that a judge should be censured, suspended, removed from office or required to retire, the matter is then referred to the State Supreme Court. If the Commission recommendation is removal, the judge is suspended immediately with salary until a final determination is made by the Supreme Court.

If the Supreme Court removes a judge from office, that person is ineligible to reassume judicial office until eligibility is reinstated by the Supreme Court.

The effect of SJR 8202, if approved into law:

The Judicial Conduct Commission would be increased to eleven members, adding two additional non-lawyers. The Commission, in response to complaints or upon its own motion, is to investigate judicial conduct. An initial proceeding, which is confidential, is to determine whether probable

cause exists to proceed to hearing. The Commission is directed to notify the judge of the existence and the basis for the initial proceeding. If a hearing is then held, the hearing is open to the public and all of the records of the initial proceeding that provided the basis for the Commission's conclusion are to be made public.

If the Commission censures or reprimands a judge, the judge has the right of appeal to the Supreme Court within thirty days. If the Commission recommends suspension or removal, the matter is referred to the State Supreme Court. If the Commission's recommendation is removal, the judge is suspended immediately with salary until a final determination is made by the Supreme Court.

If the Supreme Court removes a judge from office, that person is ineligible to reassume judicial office until eligibility is reinstated by the Supreme Court.

The Commission is authorized to adopt appropriate rules in compliance with the general laws governing state agency adoption of rules, unless to do so would conflict with this constitutional amendment. The Commission is further required to employ one or more investigative officers having appropriate professional training and they are to report directly to the Commission.

Statement against

State law requires that the argument and rebuttal statement against a constitutional amendment be written by one or more members of the state Legislature who voted against that proposed measure on final passage or, in the event that no such member of the Legislature consents to prepare the statement, by any other responsible individual or individuals to be appointed by the Speaker of the House of Representatives, the President of the State Senate, and the Secretary of State. No legislator who voted against Senate Joint Resolution 8202 or other individual opposing the measure consented to write an argument against the measure for publication in this pamphlet.



SENATE JOINT RESOLUTION 8210

PROPOSED CONSTITUTIONAL AMENDMENT

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Senate Joint Resolution 8210 begins on page 15.

Vote cast by the 1989 Legislature on final passage:

HOUSE: Yeas, 97; Nays, 0; Absent or not voting, 1.

SENATE: Yeas, 46; Nays, 1; Absent or not voting, 2.

Statement for

SJR 8210 ENCOURAGES THE EFFICIENT USE OF WATER -- SAVES RATEPAYERS MONEY AND PRESERVES THE ENVIRONMENT

Reducing water demand will defer the necessity to construct additional costly water supply facilities to meet the needs of an increasing population.

Fish and wildlife resources and other environmental values can be better protected and preserved by reducing water consumption.

The effect of future droughts can be lessened by preserving precious water resources.

The efficient use of water can reduce sewage flows and thereby postpone the need for expensive enlargement of wastewater treatment facilities.

Using less water can reduce pumping and treatment costs.

Using more efficient plumbing fixtures can lower customers' hot water use and lessen their future energy bills.

SJR 8210 ESTABLISHES A WATER CONSERVATION PROGRAM PATTERNED AFTER THE SUCCESSFUL ENERGY CONSERVATION PROGRAM

State voters gave overwhelming approval in 1988 to renew the energy conservation program administered by public utilities. This water conservation program is patterned after the very successful energy conservation program and allows utilities to fund cost-effective conservation opportunities that exist in homes, commercial businesses and industries.

Official Ballot Title:

Shall the State Constitution permit local governments to finance, from the revenues of water sales, private efforts to conserve water?

The law as it now exists:

The Washington Constitution prohibits local governments from providing or loaning public money or credit to private persons other than the poor and infirm. However, an amendment to the Constitution permits local governments,

The program is voluntary, relying on sound economic incentives and a positive conservation ethic that will help to control costs to the utility and the ratepayer.

Conservation efforts can create an additional supply of water more quickly than building new water supply facilities.

SJR 8210 MAINTAINS THE FINANCIAL PROTECTION OF PUBLIC AND PRIVATE INTERESTS

SJR 8210 carefully limits conservation loan programs to the purchase and installation of cost-effective conserving plumbing fixtures, systems, and equipment.

No tax dollars are involved. Only funds from the sale of water can be used for conservation loans.

Voters Pamphlet Statement Prepared by:

SCOTT BARR, State Senator; PHIL TALMADGE, State Senator; JENNIFER BELCHER, State Representative.

Advisory Committee: WANDA HAAS, President, League of Women Voters of Washington; ROBERT J. CLARK, Master, Washington State Grange; DOUG SUTHERLAND, Mayor, City of Tacoma; R. EDWARD MACDONALD, President, Washington State Association of Water and Wastewater Districts; DON DAVIDSON, Chairman, East King County Regional Water Association.

as authorized by the Legislature, to finance, with public money or credit derived from the sale of energy, the acquisition by private persons of materials and equipment for energy conservation.

The effect of SJR 8210, if approved into law:

This constitutional amendment would permit local governments, as authorized by the Legislature, to also finance, with public money or credits derived from the sale of water, the acquisition by private persons of materials and equipment for water conservation.

Statement against

State law requires that the argument and rebuttal statement against a constitutional amendment be written by one or more members of the state Legislature who voted against that proposed measure on final passage or, in the event that no such member of the Legislature consents to prepare the statement, by any other responsible individual or individuals to be appointed by the Speaker of the House of Representatives, the President of the State Senate, and the Secretary of State. No legislator who voted against Senate Joint Resolution 8210 or other individual opposing the measure consented to write an argument against the measure for publication in this pamphlet.



COMPLETE TEXT OF Initiative 102

AN ACT Relating to children, youth, and family programs and education programs; adding a new chapter to Title 74 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; making an appropriation; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. DECLARATION OF PUBLIC POLICY. The purpose of this chapter, to be known as the children's initiative act, is to increase our state's commitment to addressing the needs of children for prevention, early detection, and treatment of abuse and neglect, for adequate nutrition and support, for access to necessary health care, for treatment of developmental disabilities, mental illness, and substance abuse, for affordable child care, for necessary social services, for a high quality education from early childhood through the twelfth grade, and for other services essential for their survival and well-being. It is the further purpose of this chapter to address these needs in an efficient and effective manner which minimizes administrative costs.

NEW SECTION. Sec. 2. CHILDREN'S INITIATIVE FUND. (1) There is created in the state treasury a fund to be known as the children's initiative fund.

(2) The children's initiative fund shall consist of the following two accounts:

(a) The children's services and support account; and

(b) The K-12 education account.

(3) Of the moneys deposited in the children's initiative fund, fifty percent shall be credited to the children's service and support account and fifty percent shall be credited to the K-12 education account.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the children's initiative fund may be spent only after appropriation by statute.

(5) All earnings from investment of balances in the children's initiative fund, except as provided in RCW 43.84.090, shall be deposited in the children's initiative fund.

NEW SECTION. Sec. 3. LIMITATION OF USES OF CHILDREN'S INITIATIVE FUND MONEYS. (1) Moneys in the children's services and support account of the children's initiative fund may be appropriated by the legislature only to the department of social and health services, the department of community development, and other state agencies that provide services and support for children and their families for the following programs and purposes:

- (a) Prevention and early intervention services;
- (b) Services for abused and neglected children;
- (c) Maternal and child health services;
- (d) Early childhood education;
- (e) Child care;
- (f) Family support services;

- (g) Out-of-home placements;
- (h) Children's mental health services;
- (i) Developmental disabilities services;
- (j) Prevention and treatment of substance

abuse;

- (k) Juvenile rehabilitation;
- (l) The women, infant, and children nutrition

program;

- (m) Emergency services for homeless children;
- (n) Increasing the availability of prenatal, delivery, and postnatal care for pregnant women and infants and the availability of health care for children;

(o) Increasing the payment standard for aid to families with dependent children; and

(p) Other programs that promote the health, protection, welfare, and education of children and their families, including the children's initiative fund oversight committee, except for programs eligible for funding under subsection (2) of this section.

(2) Moneys in the K-12 education account of the children's initiative fund may be appropriated by the legislature only to the superintendent of public instruction for the following common schools programs and purposes:

(a) Reducing class sizes, especially in elementary grades;

(b) Basic skills learning assistance programs;

(c) Programs for handicapped children;

(d) Programs for at-risk children and children from economically disadvantaged and minority backgrounds;

(e) In-service training for instructional staff; and

(f) Other programs and purposes which promote high quality education for children in kindergarten through the twelfth grade, including the children's initiative fund oversight committee.

Funds appropriated from the K-12 education account shall not be considered levy reduction funds as defined in RCW 84.52.0531 (7).

NEW SECTION. Sec. 4. LIMITATION ON USE OF CHILDREN'S SERVICE AND SUPPORT ACCOUNT FUNDS IN THE BIENNIUM ENDING JUNE 30, 1991. From the children's service and support account of the children's initiative fund, there is appropriated \$50,000,000, or so much thereof as may be necessary, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, to the department of social and health services, not more than \$25,000,000 of which is to be used to increase the payment standard for aid to families with dependent children by eight percent over the level of such payment standard as of July 1, 1988, which increase shall be added to any other increases in the payment standard in the biennium ending June 30, 1991, and, to the extent of the remaining available funds from this appropriation, to increase the availability of prenatal, delivery, and postnatal care for pregnant women and infants up to one year of age, and the availability of health care for children up to eight years of age, by expanding eligibility for medical assistance for categorically needy pregnant women and infants up to one year of age, and for children up to eight years of age, to the highest income and age levels for which federal financial participation is available under Title XIX of the federal social security act.

NEW SECTION. Sec. 5. INTENT TO PROHIBIT SUPPLANTING OF CURRENT PROGRAM FUNDING. Moneys may be appropriated from the children's initiative fund only to provide support and services in addition to such support and services as would be provided if the

support and service levels of the programs eligible for funds from the children's initiative fund for the biennium ending June 30, 1989, adjusted in future biennia to reflect the impact of population change and inflation in the state, were fully funded in the biennium ending June 30, 1991, and in subsequent biennia. Nothing in this chapter shall prohibit additional funding from other sources of the agencies, programs, and purposes eligible for funds under this chapter.

NEW SECTION. Sec. 6. CHILDREN'S INITIATIVE FUND OVERSIGHT COMMITTEE. (1) To assist the governor and the legislature in determining which programs and purposes should be supported with appropriations from the children's initiative fund and whether children's initiative fund moneys are being spent in an efficient and effective manner that minimizes administrative costs, an oversight committee, to be known as the children's initiative fund oversight committee, is established. The committee shall have the authority to analyze the current and emerging needs of children in the state and to review and evaluate the efficiency and effectiveness of programs supported by the children's initiative fund in meeting these needs.

(2) All agency reports concerning program performance, including administrative review, quality control, and other internal audit or performance reports, which are requested by the committee, shall be furnished by the agency requested to provide such report.

(3) The committee shall annually report to the governor and the legislature. The committee's annual report shall include findings and recommendations on matters relating to the committee's purposes as defined in this section.

(4) The committee shall consist of fifteen members. Eleven of the members shall be appointed by the governor, six of whom shall be experienced authorities on the programs eligible for funding by the children's initiative fund and five of whom shall be representatives of the general public. One member of the committee shall be selected by the two largest political caucuses in each house of the state legislature. The chair of the committee shall be designated by the governor from among the representatives of the general public.

(5) The initial members shall be appointed within sixty days of the effective date of this section. Of the initial members, four nonlegislative members and one legislative member shall be appointed for three years, four nonlegislative members and two legislative members shall be appointed for two years, and three nonlegislative members and one legislative member shall be appointed for one year. A legislative member shall serve as long as he or she is a member of the caucus from which he or she was appointed. Successors to the initial members shall serve for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term. Vacancies shall be filled within sixty days of their occurrence.

(6) Nonlegislative members of the committee shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed pursuant to RCW 44.04.120.

NEW SECTION. Sec. 7. INTENT ON SOURCE OF MONEYS FOR CHILDREN'S INITIATIVE FUND. (1) It is the intent of this chapter that the raising of revenues for the purposes of this chapter, as well as the raising of revenues for all other purposes of state government, shall be done in a fashion which fairly and equitably distributes

the burdens of taxation among the state's taxpayers, protects those with the lowest incomes, promotes business development and economic growth in the state, and assures a stable funding base for state services that is sufficient to meet the needs of state government, including the purposes of this chapter. No cause of action may lie to enforce this subsection.

(2) The source of moneys for the children's initiative fund shall be new or increased taxes, which means one or more of the following:

(a) An increase in the rate of any tax which was in effect as of July 1, 1988;

(b) An increase in the base of any tax which was in effect as of July 1, 1988; or

(c) Any tax which was not in effect as of July 1, 1988.

Funding from sources other than the children's initiative fund for the activities of state government, including those eligible for support from the children's initiative fund, shall not be reduced in order to provide moneys for the children's initiative fund.

(3) The tax increases specified in sections 8 and 9 of this act are imposed only for the purpose of making this chapter legally enforceable in the event the legislature fails to impose new or increased taxes which meet the specifications of subsection (1) of this section in order to provide sufficient moneys for the purposes of this chapter. It is the intent of this chapter that if the tax increases specified in sections 8 and 9 of this act are imposed, such increases will be repealed as soon as possible and replaced with taxes that meet the specifications of subsection (1) of this section, and that provide support for the children's initiative fund comparable to that provided by the tax increases imposed in sections 8 and 9 of this act.

NEW SECTION. Sec. 8. ALTERNATIVE ADDITIONAL TAX. A new section is added to chapter 82.08 RCW to read as follows:

Prior to June 1, 1990, if new or increased taxes sufficient to generate at least \$360,000,000 during the fiscal year beginning July 1, 1990, and ending June 30, 1991, have not been imposed and if at least \$360,000,000 of the proceeds of such new or increased taxes have not been directed to be deposited in the children's initiative fund during such fiscal year, there is levied and shall be collected, as of June 1, 1990, an additional tax on each retail sale in this state equal to nine-tenths of one percent of the selling price. The moneys collected as a result of the increases specified in this section shall be deposited in the general fund for transfer to the children's initiative fund.

NEW SECTION. Sec. 9. ALTERNATIVE ADDITIONAL TAX. A new section is added to chapter 82.12 RCW to read as follows:

Prior to June 1, 1990, if new or increased taxes sufficient to generate at least \$360,000,000 during the fiscal year beginning July 1, 1990, and ending June 30, 1991, have not been imposed and if at least \$360,000,000 of the proceeds of such new or increased taxes have not been directed to be deposited in the children's initiative fund during such fiscal year, there is levied and shall be collected, as of June 1, 1990, an additional tax on each use by any person of property subject to tax under RCW 82.12.020 equal to nine-tenths of one percent of the value of the article used by the taxpayer. For purposes of computing the tax under this chapter, the rate of this additional tax shall be added to the rate in effect for the retail sales tax under RCW 82.08.020, in the county in

which the article is used. The moneys collected as a result of the increase specified in this section shall be deposited in the general fund for transfer to the children's initiative fund.

NEW SECTION. Sec. 10. IMPLEMENTATION OF INCREASED TAXES. The director of revenue shall immediately take all necessary steps, within the authority granted to the director under RCW 82.01.060, to ensure that any new or increased taxes imposed to carry out the purposes of this act are assessed and collected on the applicable effective date of such tax increases.

NEW SECTION. Sec. 11. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. CONSTRUCTION. The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between the provisions of this act and any other act, the provisions of this act shall govern.

NEW SECTION. Sec. 13. CAPTIONS. As used in this act, captions constitute no part of the law.

NEW SECTION. Sec. 14. SHORT TITLE. This act shall be known as the children's initiative act.

NEW SECTION. Sec. 15. LEGISLATIVE DIRECTIVE. Sections 1 through 3 and 5 through 7 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 16. EFFECTIVE DATE. This act shall take effect June 1, 1990.



COMPLETE TEXT OF Senate Joint Resolution No. 8200

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article I, section -- of the Constitution of the state of Washington to read as follows:

Article I, section --. Effective law enforcement depends on cooperation from victims of crime. To ensure victims a meaningful role in the criminal justice system and to accord them due dignity and respect, victims of crime are hereby granted the following basic and fundamental rights.

Upon notifying the prosecuting attorney, a victim of a crime charged as a felony shall have the right to be informed of and, subject to the discretion of the individual presiding over the trial or court proceedings, attend trial and all other court proceedings the defendant has the right to attend, and to make a statement at sentencing and at any proceeding where the defendant's release is considered, subject to the same rules of procedure which govern the defendant's rights. In the event the victim is deceased, incompetent, a minor, or otherwise unavailable, the prosecuting attorney may identify a representa-

tive to appear to exercise the victim's rights. This provision shall not constitute a basis for error in favor of a defendant in a criminal proceeding nor a basis for providing a victim or the victim's representative with court appointed counsel.

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



COMPLETE TEXT OF Senate Joint Resolution No. 8202

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article IV, section 31 of the Constitution of the state of Washington to read as follows:

Article IV, section 31. ~~(There shall be a commission on judicial conduct consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the district court judges, two persons admitted to the practice of law in this state selected by the state bar association, and four persons who are not attorneys appointed by the governor and confirmed by the senate.~~

~~The supreme court may censure, suspend, or remove a judge or justice for violating a rule of judicial conduct and may retire a judge or justice for disability which is permanent or is likely to become permanent and which seriously interferes with the performance of judicial duties.~~

~~The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease. The supreme court shall specify the effect upon salary when disciplinary action other than removal is taken. The supreme court may not discipline or retire a judge or justice until the commission on judicial conduct recommends after notice and hearing that action be taken and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against a judge or justice.~~

~~Whenever the commission receives a complaint against a judge or justice, it shall first conduct proceedings for the purpose of determining whether sufficient reason exists for conducting a hearing or hearings to deal with the accusations. These initial proceedings shall be confidential, unless confidentiality is waived by the judge or justice, but all subsequent hearings conducted by the commission shall be open to members of the public.~~

~~Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court.~~

~~The legislature shall provide for commissioners' terms of office and compensation. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings.)~~

(1) There shall be a commission on judicial conduct, existing as an independent agency of the judicial branch, and consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the district court judges, two persons admitted to the practice of law in this state selected by the state bar association, and six persons who are not attorneys appointed by the governor.

(2) Whenever the commission receives a complaint against a judge or justice, or otherwise has reason to believe that a judge or justice should be admonished, reprimanded, censured, suspended, removed, or retired, the commission shall first investigate the complaint or belief and then conduct initial proceedings for the purpose of determining whether probable cause exists for conducting a public hearing or hearings to deal with the complaint or belief. The investigation and initial proceedings shall be confidential. Upon beginning an initial proceeding, the commission shall notify the judge or justice of the existence of and basis for the initial proceeding.

(3) Whenever the commission concludes, based on an initial proceeding, that there is probable cause to believe that a judge or justice has violated a rule of judicial conduct or that the judge or justice suffers from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties, the commission shall conduct a public hearing or hearings and shall make public all those records of the initial proceeding that provide the basis for its conclusion. If the commission concludes that there is not probable cause, it shall notify the judge or justice of its conclusion.

(4) Upon the completion of the hearing or hearings, the commission in open session shall either dismiss the case, or shall admonish, reprimand, or censure the judge or justice, or shall censure the judge or justice and recommend to the supreme court the suspension or removal of the judge or justice, or shall recommend to the supreme court the retirement of the judge or justice. The commission may not recommend suspension or removal unless it censures the judge or justice for the violation serving as the basis for the recommendation. The commission may recommend retirement of a judge or justice for a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties.

(5) Upon the recommendation of the commission, the supreme court may suspend, remove, or retire a judge or justice. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease. The supreme court shall specify the effect upon salary when it suspends a judge or justice. The supreme court may not suspend, remove, or retire a judge or justice until the commission, after notice and hearing, recommends that action be taken, and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against the judge or justice.

(6) Within thirty days after the commission admonishes, reprimands, or censures a judge or justice, the judge or justice shall have a right of appeal de novo to the supreme court.

(7) Any matter before the commission or supreme court may be disposed of by a stipulation entered into in a public proceeding. The stipulation shall be signed by the judge or justice and the commission or court. The stipulation may impose any terms and conditions deemed appropriate by the commission or court. A stipulation

shall set forth all material facts relating to the proceeding and the conduct of the judge or justice.

(8) Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court.

(9) The legislature shall provide for commissioners' terms of office and compensation. The commission shall employ one or more investigative officers with appropriate professional training and experience. The investigative officers of the commission shall report directly to the commission. The commission shall also employ such administrative or other staff as are necessary to manage the affairs of the commission.

(10) The commission shall, to the extent that compliance does not conflict with this section, comply with laws of general applicability to state agencies with respect to rule-making procedures, and with respect to public notice of an attendance at commission proceedings other than initial proceedings. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings.

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



COMPLETE TEXT OF Senate Joint Resolution No. 8210

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VIII, section 10 of the Constitution of the state of Washington to read as follows:

Article VIII, section 10. Notwithstanding the provisions of section 7 of this Article, any county, city, town, quasi municipal corporation, municipal corporation, or political subdivision of the state which is engaged in the sale or distribution of water or energy may, as authorized by the legislature, use public moneys or credit derived from operating revenues from the sale of water or energy to assist the owners of structures or equipment in financing the acquisition and installation of materials and equipment for the conservation or more efficient use of water or energy in such structures or equipment. Except as provided in section 7 of this Article, an appropriate charge back shall be made for such extension of public moneys or credit and the same shall be a lien against the structure benefited or a security interest in the equipment benefited. Any financing for energy conservation authorized by this article shall only be used for conservation purposes in existing structures and shall not be used for any purpose which results in a conversion from one energy source to another.

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

SPECIAL NOTE: The following is the complete text of Chapter 367, Laws of 1989. Although this measure will not be voted upon at the state general election on November 7, it contains the implementing statutes for Senate Joint Resolution 8202 and will become effective if that proposed constitutional amendment is approved by a majority of the voters. The text of this law is included to facilitate each voter's understanding of the effect of the adoption of that proposed amendment to the state constitution.

AN ACT Relating to the commission on judicial conduct; amending RCW 2.64.010, 2.64.020, and 2.64.050; adding new sections to chapter 2.64 RCW; repealing RCW 2.64.091 and 2.64.110; and providing a contingent effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. Section 2, chapter 268, Laws of 1981 as amended by section 1, chapter 186, Laws of 1987 and RCW 2.64.010 are each amended to read as follows:

((For purposes of this chapter,)) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admonishment" means a written disposition of an advisory nature that cautions a judge or justice not to engage in certain proscribed behavior. An admonishment may include a requirement that the judge or justice follow a specified corrective course of action.

(2) "Censure" means a written action of the commission that requires a judge or justice to appear personally before the commission, and that finds that conduct of the judge or justice violates a rule of judicial conduct, detrimentally affects the integrity of the judiciary, undermines public confidence in the administration of justice, and may or may not require a recommendation to the supreme court that the judge or justice be suspended or removed. A censure shall include a requirement that the judge or justice follow a specified corrective course of action.

(3) "Commission" means the commission on judicial conduct provided for in Article IV, section 31 of the state Constitution, which is authorized to recommend to the supreme court, after notice and hearing, the ~~((censure,))~~ suspension or removal of the judge or justice for violating a rule of judicial conduct, or the retirement of a judge or justice for disability ~~((which is permanent, or likely to become permanent, and which seriously interferes with the performance of judicial duties. For purposes of this chapter, the term))~~.

(4) "Judge or justice" includes justices of the supreme court, judges of the court of appeals, judges of the superior courts, judges of any court organized under Titles 3 or 35 RCW, judges pro tempore, court commissioners, and magistrates.

(5) "Removal" means a written recommendation by the commission and a finding by the supreme court that the conduct of a judge or justice is a violation of a rule of judicial conduct and seriously impairs the integrity of the judiciary and substantially undermines the public confidence in the administration of justice to such a degree that the judge or justice should be relieved of all duties of his or her office.

(6) "Reprimand" means a written action of the commission that requires a judge or justice to appear person-

ally before the commission, and that finds that the conduct of the judge or justice is a minor violation of the code of judicial conduct and does not require censure or a formal recommendation to the supreme court that the judge or justice be suspended or removed. A reprimand shall include a requirement that the judge or justice follow a specified corrective course of action.

(7) "Retirement" means a written recommendation by the commission and a finding by the supreme court that a judge or justice has a disability which is permanent, or likely to become permanent, and that seriously interferes with the performance of judicial duties.

(8) "Suspension" means a written recommendation by the commission and a finding by the supreme court that the conduct of a judge or justice is a violation of a rule of judicial conduct and seriously impairs the integrity of the judiciary and substantially undermines the public confidence in the administration of justice to such a degree that the judge or justice should be relieved of the duties of his or her office by the court for a specified period of time, as determined by the court.

This chapter shall apply to any judge or justice, regardless of whether the judge or justice serves full time or part time, and regardless of whether the judge or justice is admitted to practice law in this state.

Sec. 2. Section 3, chapter 268, Laws of 1981 as amended by section 2, chapter 186, Laws of 1987 and RCW 2.64.020 are each amended to read as follows:

The commission shall consist of ~~((nine))~~ eleven members. One member shall be a judge selected by and from the court of appeals judges; one member shall be a judge selected by and from the superior court judges; one member shall be a judge selected by and from the district court judges; two members shall be selected by the state bar association and be admitted to the practice of law in this state; and ~~((four))~~ six members shall be nonlawyers appointed by the governor ~~((and confirmed by the senate))~~. The term of each member of the commission shall be four years.

Sec. 3. Section 6, chapter 268, Laws of 1981 and RCW 2.64.050 are each amended to read as follows:

The commission may employ ~~((any))~~ personnel, including ~~((lawyers))~~ attorneys, and make any other expenditures necessary for the effective performance of its duties and the exercise of its powers. The commission may hire attorneys or others by personal service contract to conduct initial proceedings regarding a complaint against a judge or justice. Commission employees shall be exempt from the civil service law, chapter 41.06 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 2.64 RCW to read as follows:

The commission is authorized to impose the following disciplinary actions, in increasing order of severity: (a) Admonishment; (b) reprimand; or (c) censure. If the conduct of the judge or justice warrants more severe disciplinary action, the commission may recommend to the supreme court the suspension or removal of the judge or justice.

NEW SECTION. Sec. 5. A new section is added to chapter 2.64 RCW to read as follows:

The commission is authorized to investigate and consider for probative value any conduct that may have occurred prior to, on, or after December 4, 1980, by a person who was, or is now, a judge or justice when such conduct relates to a complaint filed with the commission against the same judge or justice.

NEW SECTION. Sec. 6. A new section is added to chapter 2.64 RCW to read as follows:

All pleadings, papers, evidence records, and files of the commission, including complaints and the identity of the complainants, compiled or obtained during the course of an investigation or initial proceeding involving the discipline or retirement of a judge or justice, are exempt from the public disclosure requirements of chapter 42.17 RCW during such investigation or initial proceeding. As of the date of a public hearing, all those records of the initial proceeding that were the basis of a finding of probable cause are subject to the public disclosure requirements of chapter 42.17 RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 2.64 RCW to read as follows:

The adjudicative proceedings, judicial review, and civil enforcement provisions of chapter 34.05 RCW, the administrative procedure act, do not apply to any investigations, initial proceedings, public hearings, or executive sessions involving the discipline or retirement of a judge or justice.

NEW SECTION. Sec. 8. A new section is added to chapter 2.64 RCW to read as follows:

The commission is subject to the open public meetings act, chapter 42.30 RCW. However, investigations, initial proceedings, public hearings, and executive sessions involving the discipline or retirement of a judge or justice are governed by this chapter and Article IV, section 31 of the state Constitution and are exempt from the provisions of chapter 42.30 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 2.64 RCW to read as follows:

The commission shall provide by rule for confidentiality of its investigations and initial proceedings in accordance with Article IV, section 31 of the state Constitution.

Any person violating a rule on confidentiality is subject to a proceeding for contempt in superior court.

NEW SECTION. Sec. 10. A new section is added to chapter 2.64 RCW to read as follows:

Whenever the commission determines that there is probable cause to believe that a judge or justice has violated a rule of judicial conduct or that the judge or justice suffers from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties, the commission shall disclose to the judge or justice any material or information within the commission's knowledge which tends to negate the determination of the commission, except as otherwise provided by a protective order.

NEW SECTION. Sec. 11. The following acts or parts of act are each repealed:

(1) Section 4, chapter 186, Laws of 1987 and RCW 2.64.091; and

(2) Section 12, chapter 268, Laws of 1981, section 5, chapter 186, Laws of 1987 and RCW 2.64.110.

NEW SECTION. Sec. 12. This act shall take effect upon the effective date of an amendment to Article IV, section 31 of the state Constitution making changes to the commission on judicial conduct. If such amendment is not validly submitted to and approved and ratified by the voters at a general election held in November 1989, this act shall be null and void in its entirety.

SPECIAL NOTE: The following is the complete text of Chapter 421, Laws of 1989. Although this measure will not be voted upon at the state general election on November 7, it contains the implementing statutes for Senate Joint Resolution 8210 and will become effective if that proposed constitutional amendment is approved by a majority of the voters. The text of this law is included to facilitate each voter's understanding of the effect of the adoption of that proposed amendment to the state constitution.

AN ACT Relating to conservation of water; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 57.08 RCW; creating new sections; and providing a contingent effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The conservation and efficient use of water is found and declared to be a public purpose of highest priority. The legislature further finds and declares that all municipal corporations, public utility districts, water districts, and other political subdivisions of the state that are engaged in the sale or distribution of water should be granted the authority to develop and carry out programs that will conserve resources, reduce waste, and encourage more efficient use of water by consumers.

In order to establish the most effective state-wide program for water conservation, the legislature hereby encourages any company, corporation, or association engaged in selling or furnishing utility services to assist their customers in the acquisition and installation of fixtures, systems, and equipment, for compensation or otherwise, for the conservation or more efficient use of water.

NEW SECTION. Sec. 2. This section was vetoed by Governor Booth Gardner, May 13, 1989.

NEW SECTION. Sec. 3. A new section is added to chapter 35.92 RCW to read as follows:

Any city or town engaged in the sale or distribution of water is hereby authorized, within limits established by the Constitution of the state of Washington, to assist the owners of structures in financing the acquisition and installation of fixtures, systems, and equipment, for compensation or otherwise, for the conservation or more efficient use of water in the structures under a water conservation plan adopted by the city or town if the cost per unit of water saved or conserved by the use of the fixtures, systems, and equipment is less than the cost per unit of water supplied by the next least costly new water source available to the city or town to meet future demand. Except where otherwise authorized, assistance shall be limited to:

(1) Providing an inspection of the structure, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation fixtures, systems, and equipment for which financial assistance will be approved and the estimated life cycle savings to the water system and the consumer that are likely to result from the installation of the fixtures, systems, or equipment;

(2) Providing a list of businesses that sell and

install the fixtures, systems, and equipment within or in close proximity to the service area of the city or town, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize the fixtures, systems, and equipment in accordance with the prevailing national standards;

(3) Arranging to have approved conservation fixtures, systems, and equipment installed by a private contractor whose bid is acceptable to the owner of the structure and verifying the installation; and

(4) Arranging or providing financing for the purchase and installation of approved conservation fixtures, systems, and equipment. The fixtures, systems, and equipment shall be purchased or installed by a private business, the owner, or the utility.

Pay back shall be in the form of incremental additions to the utility bill, billed either together with use charge or separately. Loans shall not exceed one hundred twenty months in length.

NEW SECTION. Sec. 4. A new section is added to chapter 54.16 RCW to read as follows:

Any district is hereby authorized, within limits established by the Constitution of the state of Washington, to assist the owners of structures in financing the acquisition and installation of fixtures, systems, and equipment, for compensation or otherwise, for the conservation or more efficient use of water in the structures under a water conservation plan adopted by the district if the cost per unit of water saved or conserved by the use of the fixtures, systems, and equipment is less than the cost per unit of water supplied by the next least costly new water source available to the district to meet future demand. Except where otherwise authorized, assistance shall be limited to:

(1) Providing an inspection of the structure, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation fixtures, systems, and equipment for which financial assistance will be approved and the estimated life cycle savings to the water system and the consumer that are likely to result from the installation of the fixtures, systems, or equipment;

(2) Providing a list of businesses that sell and install the fixtures, systems, and equipment within or in close proximity to the service area of the city or town, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize the fixtures, systems, and equipment in accordance with the prevailing national standards;

(3) Arranging to have approved conservation fixtures, systems, and equipment installed by a private contractor whose bid is acceptable to the owner of the structure and verifying the installation; and

(4) Arranging or providing financing for the purchase and installation of approved conservation fixtures, systems, and equipment. The fixtures, systems, and equipment shall be purchased or installed by a private business, the owner, or the utility.

Pay back shall be in the form of incremental additions to the utility bill, billed either together with use charge or separately. Loans shall not exceed one hundred twenty months in length.

NEW SECTION. Sec. 5. A new section is added to chapter 57.08 RCW to read as follows:

Any district is hereby authorized, within limits

established by the Constitution of the state of Washington, to assist the owners of structures in financing the acquisition and installation of fixtures, systems, and equipment, for compensation or otherwise, for the conservation or more efficient use of water in the structures under a water conservation plan adopted by the district if the cost per unit of water saved or conserved by the use of the fixtures, systems, and equipment is less than the cost per unit of water supplied by the next least costly new water source available to the district to meet future demand. Except where otherwise authorized, assistance shall be limited to:

(1) Providing an inspection of the structure, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation fixtures, systems, and equipment for which financial assistance will be approved and the estimated life cycle savings to the water system and the consumer that are likely to result from the installation of the fixtures, systems, or equipment;

(2) Providing a list of businesses that sell and install the fixtures, systems, and equipment within or in close proximity to the service area of the city or town, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize the fixtures, systems, and equipment in accordance with the prevailing national standards;

(3) Arranging to have approved conservation fixtures, systems, and equipment installed by a private contractor whose bid is acceptable to the owner of the structure and verifying the installation; and

(4) Arranging or providing financing for the purchase and installation of approved conservation fixtures, systems, and equipment. The fixtures, systems, and equipment shall be purchased or installed by a private business, the owner, or the utility.

Pay back shall be in the form of incremental additions to the utility bill, billed either together with use charge or separately. Loans shall not exceed one hundred twenty months in length.

NEW SECTION. Sec. 6. This act shall take effect on the same date as the proposed amendment to Article VIII of the state Constitution, authorizing the use of public moneys or credit to promote conservation or more efficient use of water, is validly submitted and is approved and ratified by the voters at a general election held in November 1989. If the proposed amendment is not so approved and ratified, this act shall be void in its entirety.



Members of the Washington Equal Suffrage Association hang posters supporting an amendment to the state constitution to give women the right to vote. The amendment was overwhelmingly approved by state voters in 1910, a decade before the adoption of the 19th amendment to the U.S. Constitution. (Courtesy, Asahel Curtis Collection, Washington State Historical Society)

WASHINGTON STATE VOTER INFORMATION

VOTER REGISTRATION

Qualifications for registering:

1. You are a U.S. citizen by birth or naturalization;
2. You will be 18 or older on the day of the primary, general or special election;
3. You are a legal resident of the state of Washington.

When to register:

Anytime, but you must be registered for 30 days before the election to be qualified to vote. The voter registration deadline for the 1989 state general election is October 7, 1989.

Where to register:

You must register in person before the county auditor, city or town clerk or deputy voter registrar. Deputy registrars are located in most public schools, some fire stations, and state offices. Contact your county auditor for the location of the registration facility nearest to you. The address and telephone number of each county auditor is on page 23 of this voters pamphlet.

When to re-register:

Keep your registration current. *Your registration remains valid as long as you exercise your right to vote!* You must re-register only if:

1. You did not vote in the previous 24-month period, or
2. You did not vote in the most recent presidential election, or
3. You have legally changed your name, or
4. You have moved from one county to another.

To be eligible to vote, you must re-register 30 days before the election.

If you move:

Whenever you move within a county, you should also change your voter registration. This can be done before a voter registrar or by mail. If you mail the information to the county auditor's office, include both your old and new addresses and your signature. To be eligible to vote in your new area, you must transfer your registration no later than 30 days before the election.

ELECTION DAY AND VOTING

Where to vote:

At your precinct's polling place. The name and number are on your registration card and the location is published in the newspaper sometime the week before the election. You may also call your county auditor.

When to vote:

Polls are open from 7:00 a.m. to 8:00 p.m.

How to vote:

Three methods of voting are used in Washington State: punchcard, lever machine, and paper ballot. Each county uses one or a combination of these methods. If you need assistance, you may ask an election worker to explain how to use your county's voting device or ballot.

Absentee voting:

1. **Regular Absentee Ballot:** If you cannot vote in person, you may vote by absentee ballot. You may request an absentee ballot, either in person or by mail, as early as 45 days before the election, but no later than the day before the election.

Exception: If you are confined to the hospital and were admitted no earlier than five days before the election, you may apply for an absentee ballot up to and including the day of the election.

2. **Service Absentee Ballot:** Members of the military service may apply for an absentee ballot at any time. Such service voters will be mailed an absentee ballot for the next primary or general election, or special election to be held subsequent to the date of application.

3. **Special Absentee Ballot:** A voter who is working outside the continental United States and will be unable to return a regular absentee ballot by normal mail delivery may apply for a **special absentee ballot** 90 days before the primary or general election. The special absentee ballot will contain the offices and measures, if known, scheduled to appear on the ballot. The county auditor will include a list of candidates who have filed and a list of any issues that have been referred to the ballot before the application was filed.

The voter may use the special absentee ballot to write in the name of an eligible candidate for each office and vote on any measure.

4. **Ongoing Absentee Ballot:** If you are a disabled person or a person over the age of 65, you may apply for status as an ongoing absentee voter. This will entitle you to automatically receive an absentee ballot for each subsequent election through January of the next odd-numbered year. At that time, the county auditor will automatically notify you and permit you to renew your status as an ongoing absentee voter. Contact the county auditor for an application.

Additional information on voting by regular absentee ballot is provided on page 23 of this Voters Pamphlet.

ADDITIONAL VOTING ASSISTANCE AND INFORMATION

The office of the Secretary of State provides a toll-free voter information service to residents within the state of Washington. The number is listed below. This service will be operated Monday through Friday from noon until 8:00 p.m., beginning Monday, October 25, and continuing through the day of the election, November 7. Individuals from any part of the state may call this number to obtain information concerning the state general election, voter registration and other voter-related procedures, and the issues which will be on the state ballot. Voters may also call to request additional copies of the Voters Pamphlet or any of the following special versions of the Voters Pamphlet:

- Braille Voters Pamphlet
- Tape-cassette Voters Pamphlet
- Spanish-language Voters Pamphlet

The office of the Secretary of State also provides a toll-free voter information service for the hearing impaired (TDD-Telecommunications Device for the Deaf). This telephone number is also listed below.

TOLL-FREE VOTER INFORMATION

1-800-448-4881

TDD TOLL-FREE VOTER INFORMATION

1-800-422-8683

REGISTER AND

VOTE

The Washington State County Auditors Association also provides an ongoing voter outreach program. If you have any questions about voter registration or voting, please give your local county auditor a call. For your convenience, the number for your auditor is included on this page.

- | | | | |
|--------------------------|-------------------------|----------------------------|-----------------------|
| Adams, 659-0090 | Garfield, 843-1411 | Lincoln, 725-4971 | Spokane, 456-2320 |
| Asotin, 243-4164 | Grant, 754-2011 Ext 333 | Mason, 427-9670 Ext 470 | Stevens, 684-6595 |
| Benton, 783-1310 Ext 618 | Grays Harbor, 249-4232 | 1-800-562-5628 Ext 470 | Thurston, 786-5408 |
| Chelan, 664-5432 | Island, 679-7366 | Okanogan, 422-3712 | Wahkiakum 795-3219 |
| Clallam, 452-7831 | Jefferson, 385-9119 | Pacific, 875-9317 | Walla Walla, 527-3204 |
| Clark, 699-2345 | King, 296-8683 | Pend Oreille, 447-3185 | Whatcom, 676-6742 |
| Columbia, 382-4541 | Kitsap, 876-7128 | Pierce, 591-7430 | Whitman, 397-4601 |
| Cowlitz, 577-3002 | 1-800-872-4503 | San Juan, 378-2161 | Yakima, 575-4043 |
| Douglas, 745-8527 | Kittitas, 962-6811 | Skagit, 336-9305 | |
| Ferry, 775-3161 Ext 202 | Klickitat, 733-4001 | Skamania, 427-5141 Ext 226 | |
| Franklin, 545-3536 | Lewis, 748-9121 Ext 278 | Snohomish, 388-3471 | |

VOTER'S CHECKLIST

Every Washington voter will have the opportunity to vote on four statewide measures at the state general election on November 7, 1989. The ballot titles for these measures are reproduced below as a convenience to voters in preparing to go to the polls or cast an absentee ballot. Voters are encouraged to bring any list or sample ballot to the polling place to make voting easier. Contact your local county auditor for a sample ballot containing any local measures or candidates. State law provides: "Any voter may take with him into the polling place any printed or written memorandum to assist him in marking or preparing his ballot." (RCW 29.51.180).

INITIATIVE MEASURE 102

"Shall the State support of children and family services and K-12 education programs be increased by \$360,000,000 in new taxes?"

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

SENATE JOINT RESOLUTION 8200

"Shall the State Constitution be amended to provide that victims of charged felony crimes shall have certain basic fundamental rights?"

<input type="checkbox"/>	<input type="checkbox"/>
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SENATE JOINT RESOLUTION 8202

"Shall the State Constitution's provision creating the Judicial Conduct Commission be revised to more explicitly describe its process and authority?"

<input type="checkbox"/>	<input type="checkbox"/>
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SENATE JOINT RESOLUTION 8210

"Shall the State Constitution permit local governments to finance, from the revenues of water sales, private efforts to conserve water?"

<input type="checkbox"/>	<input type="checkbox"/>
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VOTER'S COMMENT SHEET

Please take a minute and complete this comment sheet. Your comments provide valuable assistance in the improvement of this voters pamphlet. Please return this comment sheet to: Voters Pamphlet, Office of the Secretary of State, Legislative Bldg. (AS-22), Olympia WA 98504-0422.

- | | YES | NO |
|---|--------------------------|--------------------------|
| 1. Was this pamphlet delivered early enough to help you study the issues? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Were the design and format of the pamphlet appealing and readable? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Was the information, including the ballot title and explanatory statement, provided for each measure clear and understandable? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Do you have any suggestions which might improve the voters pamphlet or is there any other voter information you would like to have included in future editions of the voters pamphlet? | <input type="checkbox"/> | <input type="checkbox"/> |

THANK YOU

VOTING BY ABSENTEE BALLOT

Instructions: Any registered voter who will not be able to vote in person may apply for an absentee ballot. For convenience, use the attached request form. * You may use any signed request with the necessary information to request an absentee ballot. * Include your printed name, address at time of registration and address to which the ballot is to be mailed and your signature. * The voter's signature must compare to the voter's permanent registration record. * **Mail your request directly to your county auditor.** * See addresses below. * A request may be made either in person, by mail or messenger and must be received by the county auditor no later than the day before the election. * **Exception:** A voter may apply for an absentee ballot up to and including the day of the election if the voter was admitted to the hospital no earlier than 5 days before the election and confined to the hospital on election day. * Contact the hospital administrator, county elections department for such a ballot. * **An absentee ballot must be voted and postmarked no later than the day of the election.** * Make your request as soon as possible to allow sufficient time for an exchange of correspondence with the county elections department.

COUNTY	ADDRESS	CITY	ZIP	NUMBER	COUNTY	ADDRESS	CITY	ZIP	NUMBER
Adams	210 West Broadway	Ritzville	99169	659-0090*	Klickitat	205 So. Columbus	Goldendale	98620	773-4001*
Asotin	P.O. Box 129	Asotin	99402	243-4164*	Lewis	P.O. Box 29	Chehalis	98532	748-9121x278
Benton	P.O. Box 470	Prosser	99350	783-1310x618	Lincoln	P.O. Box 366	Davenport	99122	725-4971*
Chelan	P.O. Box 400	Wenatchee	98807	664-5432*	Mason	P.O. Box 400	Shelton	98584	427-9670x470
Clallam	223 East 4th St.	Port Angeles	98362	452-7831	Okanogan	P.O. Box 1010	Okanogan	98840	422-3712*
Clark	P.O. Box 5000	Vancouver	98668	699-2345	Pacific	P.O. Box 97	South Bend	98586	875-9317
Columbia	341 East Main St.	Dayton	99328	382-4541*	Pend Oreille	P.O. Box 5000	Newport	99156	447-3185*
Cowlitz	207 North 4th	Kelso	98626	577-3002	Pierce	2401 S. 35th Rm. 200	Tacoma	98409	591-7430
Douglas	P.O. Box 456	Waterville	98858	745-8527*	San Juan	P.O. Box 638	Friday Harbor	98250	378-2161
Ferry	P.O. Box 498	Republic	99166	775-3161x202*	Skagit	P.O. Box 1306	Mount Vernon	98273	336-9305
Franklin	1016 North 4th Ave.	Pasco	99301	545-3536*	Skamania	P.O. Box 790	Stevenson	98648	427-5141x226*
Garfield	P.O. Box 278	Pomeroy	99347	843-1411*	Snohomish	3000 Rockefeller Ave.	Everett	98201	388-3471
Grant	P.O. Box 37	Ephrata	98823	754-2011x333*	Spokane	W. 1116 Broadway	Spokane	99260	456-2320*
Grays Harbor	P.O. Box 751	Montesano	98563	249-4232	Stevens	P.O. Box 189	Colville	99114	684-6595*
Island	P.O. Box 5000	Coupeville	98239	679-7366	Thurston	2000 Lakeridge Dr SW	Olympia	98502	786-5408
Jefferson	P.O. Box 563	Port Townsend	98368	385-9119	Wahkiakum	P.O. Box 543	Cathlamet	98612	795-3219
King	500 4th Avenue	Seattle	98104	296-8683	Walla Walla	P.O. Box 1856	Walla Walla	99362	527-3204*
Kitsap	614 Division St.	Port Orchard	98366	876-7128	Whatcom	P.O. Box 398	Bellingham	98227	676-6742
Kittitas	205 W. 5th	Ellensburg	98926	962-6811*	Whitman	P.O. Box 350	Colfax	99111	397-4601*
					Yakima	128 N. 2nd St. #117	Yakima	98901	575-4043*

*Area Code: 509

----- CLIP FORM OUT ON THIS LINE - MAIL TO COUNTY AUDITOR -----

ABSENTEE BALLOT REQUEST

I _____ HEREBY DECLARE THAT I AM A REGISTERED VOTER
PRINT NAME FOR POSITIVE IDENTIFICATION

AT _____ ADDRESS _____ CITY OR TOWN _____ ZIP

PHONE NO. _____ PRECINCT _____ (IF KNOWN)

SEND MY BALLOT TO: SAME ADDRESS AS ABOVE: THE ADDRESS BELOW:

_____ STREET ADDRESS _____ CITY OR TOWN _____ STATE _____ ZIP

This application is for the State General Election to be held November 7, 1989.

TO BE VALID, YOUR SIGNATURE MUST BE INCLUDED

SIGNATURE X _____
 MAIL THIS REQUEST TO YOUR COUNTY AUDITOR.

FOR OFFICE USE ONLY

REGISTRATION NUMBER _____ PRECINCT CODE _____ LEG. DIST. _____
 REGISTRATION _____ BALLOT MAILED _____
 BALLOT CODE _____ ADDRESS CHANGE _____ BALLOT RETURNED _____



State
General
Election
Nov. 7
1989



Published by
**Office of the
Secretary of State**

**1989
VOTERS
PAMPHLET**

RESIDENTIAL PATRON, LOCAL

TO BE VALID, YOUR SIGNATURE MUST BE INCLUDED

MAIL THIS RECORD TO YOUR COUNTY AUDITOR

Signature X

STREET ADDRESS

CITY OR TOWN

STATE

ZIP

PHONE NO.

ADDRESS

CITY OR TOWN

STATE

ZIP

PRECINCT CODE

LED DIST.

BALLOT MAILED

BALLOT RETURNED

ADDRESS CHANGE

Car. Rt. Presort

**BULK RATE
U.S. POSTAGE
PAID
Seattle, WA
Permit No. 1216**