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988 VOTERS & CANDIDATES P A M P H L E T

EDITION



NUMBER 1



Published by the Office of the Secretary of State
State General Election
NOVEMBER 8, 1988

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VOTER PARTICIPATION IN ELECTION CAMPAIGNS

Any person who wishes to participate in the election campaign process through financial contributions, volunteer work or other types of involvement may contact the candidate or party of his or her choice for more information. Listed below are the addresses and telephone numbers of the major and minor political parties with candidates on the general election ballot.

Washington State Democratic
Central Committee
1701 Smith Tower
Seattle WA 98104
(206) 583-0664

Washington State Republican Party
Nine Lake Bellevue Drive,
Suite 203
Bellevue WA 98005
(206) 451-1984

Libertarian Party of Washington
6901 Narrows Lane North
Tacoma, WA 98407
(206) 329-5669

New Alliance Party
1900 East Madison
Seattle, WA 98122
(206) 328-9456

Socialist Workers Party
5517 Rainier Avenue South
Seattle, WA 98118
(206) 723-5330

Workers World Party
1017C East Pike
Seattle, WA 98122
(206) 322-6478

DISCLOSURE REQUIREMENTS FOR CONTRIBUTIONS TO CANDIDATES AND POLITICAL COMMITTEES

Contributions to candidates and political committees: State law does not limit the amount a person may contribute to support or oppose a candidate, ballot measure, political party or political committee. However, during the 21 days before the general election, a person may contribute no more than \$50,000 to a candidate for statewide office of \$5,000 to any other candidate or political committee. Contributions from corporations, unions, businesses, associations and similar organizations are permitted.

Registration and reporting by candidates and political committees: Within two weeks after a person becomes a candidate or a political committee is organized, a campaign finance registration statement must be filed with the Public Disclosure Commission and the local county elections official. The candidate or committee treasurer is then required to report periodically the source and amount of campaign contributions of \$25 or more and to list campaign expenditures.

These reports are open to the public. Copies are available at the Public Disclosure Commission in Olympia or at the county elections office in the county where the candidate lives. In addition, the campaign financial books and records of a candidate or committee are available for public inspection the last eight days (Monday through Friday) before each election. The campaign registration shows the time and place where the records may be inspected.

Independent Campaign Expenditures: Any person who makes an expenditure in support of or opposition to a state or local candidate or ballot proposition (not including contributions made to a candidate or political committee) must make a report to the Public Disclosure Commission within five days if the expenditure is \$100 or more. Reporting forms are available from the Commission or the county elections office.

Federal campaigns: Contributions to U.S. Senate and House of Representative candidates are regulated by federal law. An individual may contribute a maximum of \$1,000 in the primary election and \$1,000 in the general election to each candidate for senator and representative. Corporations, businesses, unions and similar groups are generally prohibited from contributing to federal campaigns. Copies of federal campaign finance reports are available from the Public Disclosure Commission.

For additional information contact: Public Disclosure Commission, 403 Evergreen Plaza, FJ-42, Olympia WA 98504-3342, (206) 753-1111, or, for federal campaigns, Federal Election Commission, 1-800-424-9530.

FEDERAL INCOME TAX CREDITS AND DEDUCTIONS FOR CONTRIBUTIONS

Political contributions tax credit: The Federal Tax Reform Act of 1986 eliminated the personal tax credit previously allowed for political contributions.

As in the past, contributions or gifts made to political parties or candidates may not be deducted as a business expense. In addition, expenses paid or incurred to take part in any political campaign on behalf of a candidate for public office are not deductible as a business expense. Finally, indirect political contributions, such as advertising for a political party or admission to a program with proceeds going to a political party or candidate, may not be deducted as a business expense.

Presidential Election Campaign Fund checkoff: Individuals, however, may make a deductible contribution to the Presidential Election Campaign Fund checkoff. This fund was established to help pay for presidential election campaigns. \$1 may be taken (\$2 on a joint return) from an individual's taxes to go to a general fund, not for any specific party, to meet the expenses of the 1988 presidential election. The contribution will not increase your tax or reduce your refund.

INTRODUCTION TO THE 1988 VOTERS & CANDIDATES PAMPHLET

Fellow Washingtonians:

As Secretary of State and Co-Chairman of the Washington Centennial Commission, it is my pleasure to introduce you to the 1988 Washington State Voters and Candidates Pamphlet. This year's pamphlet has special meaning because it arrives in your mailbox just as Washington State is poised to kick off its centennial observance. On November 11, 1988 — just three days after our general election — we will officially begin a year-long celebration leading up to the 100th anniversary of statehood. The centennial is a truly appropriate time to reflect on the unique makeup of our state government and the special rights and privileges that were enacted by those who founded this state a century ago.

For example, this voters pamphlet is an outgrowth of the populist philosophy on which our state government was built. Washington's Constitution gives its citizens the right to a voters' pamphlet containing information on issues appearing at each general election. Our state was one of the first in the nation to mandate a voters pamphlet for its citizens.

Our populist founders gave us numerous other special rights as well. Unlike citizens in many other states, Washingtonians have the right to make their own laws through the initiative process, the right to refer the legislature's actions to the ballot and the right to recall elected officials. As you look at this year's ballot, you'll see that these grass-roots procedures continue to play an important role in our system of government.

This voters' pamphlet, which commemorates the approaching centennial, represents Washington State's rich tradition of promoting voter awareness and participation. It contains extensive information on ballot measures, on candidates for public office, and on election procedures and voting. I urge you to study this pamphlet thoroughly, and to cast your vote on November 8. By doing so, you will celebrate Washington's heritage and shape its future.



RALPH MUNRO
Secretary of State

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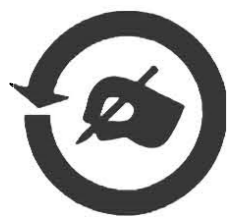
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1-800-448-4881; TDD (Hearing Impaired) 1-800-422-8683**

COVER PHOTO: Elisha P. Ferry is inaugurated as the state's first governor at the territorial capitol in Olympia, November 18, 1889. (Photo courtesy of the State Capital Museum.)



INITIATIVE MEASURE 518

TO THE PEOPLE

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 518 begins on page 17.

Official Ballot Title:

Shall the state minimum wage increase from \$2.30 to \$3.85 (January 1, 1989) and then to \$4.25 (January 1, 1990) and include agricultural workers?

The law as it now exists:

The state minimum wage for employees who are 18 or older is established by statute at \$2.30 per hour. For employees below the age of 18, the minimum wage is established by regulations adopted by the Director of the State Department of Labor and Industries.

There are statutory exemptions to the state minimum wage requirement, of which only two would be changed by Initiative 518 if enacted. Those two exemptions, now under current law, exempt from coverage under the State Minimum Wage Law: (1) individuals employed on a farm for the cultivation, raising or harvesting of agricultural commodities or animals or employed in packaging, packing or grading products, but not commercial canning or commercial freezing; (2) persons employed in domestic service in or about a private home.

The effect of Initiative Measure 518, if approved into law:

If approved, this Initiative would, effective January 1, 1989 increase the state minimum wage to \$3.85 per hour. The minimum wage would the following year, on January 1, 1990, be increased to \$4.25 per hour.

The present exemption from the minimum wage for farm workers would be eliminated and be replaced by a new farm labor exemption. The new farm labor exemption would only apply to

individuals employed as a hand harvest laborer who are paid on a piece rate basis where such payment is customarily recognized, and the worker must commute daily from his or her permanent residence to the farm, and the individual must have been employed in agricultural for less than 13 weeks during the prior calendar year.

The present exemption from the state minimum wage for domestic service in a private home would be repealed and replaced by an exemption for individuals employed as casual laborers in or about a private home.

The State Office of Financial Management would in the future be required to review the state minimum wage and make recommendations to the Legislature and the Governor regarding its increase by January 1 of each odd numbered year.

Statement for

RAISING THE MINIMUM WAGE MAKES GOOD SENSE

People working full-time should be able to support themselves and their families. But in Washington State nearly 50,000 people are working full-time and can't.

Our state minimum wage is an unbelievable \$2.30 an hour. That's \$4,784 per year, or only slightly over half of what a family of three needs to get out of poverty. Seven out of ten poor minimum wage workers are their family's only earner. And 63 percent are not teenagers.

THE STATE MINIMUM WAGE HASN'T CHANGED SINCE 1976

If the state minimum wage had kept pace with inflation, it would be \$4.35 today. Initiative 518 merely restores its value to near what it used to be. (It only affects wages earned by adults; it does *not* affect teenagers' wages or wages earned by seasonal agricultural workers.)

FULL-TIME WORKERS AND THEIR FAMILIES DESERVE MORE THAN POVERTY

Minimum wage jobs force many families to use public assistance programs such as food stamps and medicaid. Currently, someone working full-time at \$2.30 an hour can not support his or her family. Raising the minimum wage will help these people to get off public assistance and become self supporting.

A HIGHER MINIMUM WAGE MAKES GOOD ECONOMIC SENSE

It will give people more money to spend at local businesses in their own communities. A higher minimum wage will allow people to earn a decent living, provide for their families, and become taxpayers.

Please vote yes to give working adults a wage they can live on.

Rebuttal of Statement against

No one was ever hurt by a minimum wage increase. Minimum wage jobs are jobs industries depend on, in services, retail, manufacturing and agriculture. These jobs won't disappear.

While raising the minimum wage will dramatically improve people's lives, past increases show it will have no significant impact on inflation.

The working poor need a wage they can live on, not another government program. Vote YES to give them a decent wage.

For more information about Initiative 518 call (206) 622-3442.

Voters Pamphlet Statement Prepared by:

JENNIFER BELCHER, State Representative; LARRY L. VOGNILD, State Senator; SHIRLEY WINSLEY, State Representative.

Advisory Committee: BOOTH GARDNER, Governor; LARRY KINNEY, Washington State Labor Council; LOREN ARNETT, Washington Association of Churches; TOMAS VILLANUEVA, United Farmworkers of Washington; SUSAN JOHNSON, Washington Women United.

Statement against

WILL HURT THE WORKING POOR

Initiative 518 will reduce jobs, increase inflation and hurt the working poor. Employers recognize that it is almost impossible to keep full-time employees by paying the state or federal minimum wage (even farm workers in Washington average almost \$5 per hour). But a reasonable minimum wage does permit employers to provide entry level and part-time supplemental income jobs which would otherwise be reduced. This year the employer community supported a 40% increase in the state minimum wage but the bill died in the legislative debate.

When the minimum wage is increased, impacted employers reduce working hours, increase mechanization, and reduce service to control costs. They also pass the cost of any wage increase to consumers in the form of inflation.

Tips are considered wages by state and federal law, but this initiative ignores that fact and, as a consequence, employers of tipped workers will be unfairly penalized millions of dollars resulting in higher menu prices and loss of employment opportunities for unskilled job applicants.

MEANS FEWER PART-TIME JOB OPPORTUNITIES

Supporters of the initiative argue that an increase above the federal minimum wage will help heads of larger households. But an initiative *which outlaws any job* that doesn't pay enough to support a family of three, does a great disservice to the vast majority of minimum wage earners who are single, work part-time, and live in households which earn significantly above the poverty income level. For these families the increase means fewer part-time jobs and entry level positions.

We can target programs to help the poor without reducing job opportunities for everyone else.

VOTE "NO" ON 518

Rebuttal of Statement for

Economists don't agree with initiative supporters. As the New York Times acknowledged, "there's a virtual consensus among economists that the minimum wage is an idea whose time has passed. Raising the minimum wage by a substantial amount would price working poor people out of the job market."

For example, seasonal agricultural workers are impacted by Initiative 518. Those unable to produce at a production rate equal to the minimum wage won't be allowed to work.

For more information, call 1-800-521-9325.

Voters Pamphlet Statement Prepared by:

CLIFTON FINCH, Association of Washington Business; ROBERT SEEBER, Restaurant Association of Washington; LINDA MATSON, National Federation of Independent Business.

Advisory Committee: GARY SMITH, Independent Business Association; BILL ROBERTS, Washington State Farm Bureau.

INITIATIVE MEASURE 97

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 97 begins on page 18.

Official Ballot Title:

Shall a hazardous waste cleanup program, partially funded by a 7/10 of 1% tax on hazardous substances, be enacted?

The law as it now exists:

State law enacted in October, 1987 provides for a hazardous waste cleanup program in the State of Washington. The primary responsibility for the cleanup of hazardous waste sites is imposed upon the owner or operator of the site, the person responsible for

the disposal or release, and the generator or transporter of the waste. The strict liability under the law does not apply to persons who, without negligence and in accordance with State and federal law, apply pesticides or fertilizers for the purpose of growing any crops, trees, nursery plants, or farm animals.

The State Department of Ecology is empowered to investigate, adopt rules, establish standards, classify substances as hazardous substances, require remedial actions, establish priorities for site cleanups, promote hazardous waste reduction and recycling, and provide educational programs. A scientific advisory board is to advise the Department.

The person legally responsible for the cleanup of a hazardous waste site must be given a reasonable opportunity by the Department of Ecology to develop a remedial program, meeting the Department's standards for the cleanup of the site. The Department, before approving such plan and settlement, must give an opportunity for public comment. The plan, when approved, must be filed with the superior court; then there is a thirty-day waiting period for public comment. As part of an approved cleanup plan, the Department can defray some of the costs, agree not to bring suit to compel cleanup in excess of the plan, and certify the completion of the cleanup. Such approved cleanup programs are exempted from various permits that would otherwise be required by law.

The Department of Ecology can, for failure to comply with a Department order, seek from the court civil penalties of up to three times the remedial costs incurred by the State and penalties of up to \$10,000 per day. The State's costs to clean up a hazardous waste site is a debt secured by a lien on the real property. The Department's orders are subject to review in court.

Private persons can sue the Department of Ecology to compel it to perform any nondiscretionary duty under this law. Private persons can also sue to compel potentially liable persons to comply with the law as well as other common-law and statutory actions. Clean-up contractors are not liable unless they are negligent or grossly negligent.

Owners who know that a significant quantity of hazardous materials has been released or spilled on their property must place a notice of that fact in the county real estate records, and must also notify the State Department of Ecology. When the Department of Ecology discovers such a release or spill, the Department is required to place a notice of such fact in the county real estate records.

The Department of Agriculture may dispose of unusable pesticides collected from licensed pesticide operators. And the Department shall implement a pesticide waste disposal program. The Department of Ecology is to adopt rules allowing the Department to
(continued on page 16.)

Statement for

INITIATIVE 97 MAKES THE POLLUTERS PAY

Polluters should pay to clean up their own mess. Initiative 97 would make them do that. *Polluters are forced to clean up their wastes.* If they don't, tough fines and criminal penalties will follow.

TOUGH LAWS. TOUGH FINES. NO DEALS.

Nearly every week brings news of new toxic catastrophes. *One out of six people who live in Washington could be affected by toxics.* Families around Puget Sound, in Spokane, and in Central Washington *cannot drink their water* because of chemical pollution. Washington is the second worst state west of the Mississippi for hazardous waste sites. Seeping landfills, pesticides, and petroleum products can cause cancer and birth defects. Seniors may be particularly vulnerable. The need for a tough toxics cleanup law now is clear.

THE PEOPLE'S INITIATIVE

For years irresponsible polluters fought hard to avoid a tough law. An initiative was written after polluters blocked legislation to clean up toxic waste. Thousands of volunteers worked very hard to give us the chance to clean up toxics now. *Across the state over 200,000 people signed petitions. Now you have your chance to send a strong message to polluters: You want a tough law, with tough fines and no deals.*

DON'T LET BIG CORPORATE POLLUTERS BUY THE ELECTION

Big oil and chemical companies will spend \$1.5 million dollars to convince you to vote against Initiative 97. Don't

be fooled. *Initiative 97 is the stronger toxic cleanup program which will make our environment cleaner and safer, for today and tomorrow, for our children and grandchildren.*

Rebuttal of Statement against

- *Strong citizens' initiative eliminates polluters' loopholes.* It forces polluters to clean up their own mess. No deals. No delays. No watered-down health standards. I-97 has been carefully reviewed and supported by more than 70 groups, dozens of legislators and signed by 215,000 people.
- *Cleanups, not lawsuits.* I-97 makes cleanups happen now—not later. The initiative prohibits polluters from filing lawsuits that delay cleanups.
- *More money for farmers, small businesses and recycling* - to clean up our drinking water now and for the future.

Voters Pamphlet Statement Prepared by:

JOLENE UNSOELD, State Representative; JANICE NIEMI, State Senator; DAVID BRICKLIN, President, Washington Environmental Council.

Advisory Committee: THE REVEREND DR. WILLIAM B. CATE, President, Church Council of Greater Seattle; LAWRENCE KENNEY, President, Washington State Labor Council; HENRY BURTON, Chair, Cascade Chapter Sierra Club; WENDY A. WENLANDT, Executive Director, Washington Public Interest Research Group; WANDA HAAS, President, League of Women Voters of Washington.

Statement against

I-97: FLAWED INITIATIVE MAKES FOR BAD LAW

Initiative 97 is full of good intentions, but contains serious flaws that will hurt many groups in Washington. The Initiative's purpose was to encourage the legislature to act. It is not good law and fails to include many important public programs, like household hazardous waste collection.

The Initiative simply did not go through the same scrutiny and public input that the legislature's law did. The legislature worked for three years to create a law that is fair to everyone — 97B.

I-97: DELAYS AND LAWSUITS, NOT CLEANUPS

The Initiative will stop the cleanups that are already taking place under 97B, the new law. Long delays will result and costs will escalate. The Initiative will result in lawsuits, not cleanups.

I-97: HURTS TAXPAYERS, AGRICULTURE, SMALL BUSINESSES

The Association of Washington Cities endorses Legislative Alternative 97B, not the Initiative. Initiative 97 will result in outrageous public cleanup costs with no added protection of public health or the environment.

I-97: LIKE THE FEDERAL SUPERFUND, A 99% FAILURE

I-97 is patterned after the federal superfund law that has produced eight years of costly court battles and virtually no cleanup. Why replace a law that is working and resulting in cleanups (97B), with an initiative (Initiative 97) patterned after a federal failure?

Rebuttal of Statement for

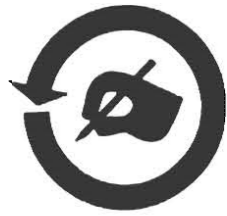
Don't fall for I-97, a toxic scare campaign imported from California and financed by out-of-staters. The Seattle Times charges I-97 backers with "demagogery and phony one-liners," such as "make the polluters pay." 97B is the current law; it's already making the polluters pay and cleaning up toxics now. I-97 would overthrow the law and delay cleanups. Out-of-staters are funding a toxic scare campaign to overthrow the law. Keep the *best* law, vote *YES 97B*.

For more information, call (206) 448-4972.

Voters Pamphlet Statement Prepared by:

MIKE KREIDLER, State Senator; CLYDE BALLARD, State Representative; DAVE STURDEVANT, Clark County Commissioner.

Advisory Committee: DAN EVANS, U.S. Senator; VICKI MCNEILL, President, Association of Washington Cities; RAY HILL, Master, Washington State Grange; ANDREA BEATTY RINIKER, former Director, Department of Ecology; GILBERT S. OMENN, M.D., Ph.D., Chair, Scientific Advisory Board, Department of Ecology.



ALTERNATIVE MEASURE 97B

Chapter 112, Laws of 1988

Note: the ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Alternative Measure 97B begins on page 23.

Vote cast by the 1988 Legislature on final passage:
HOUSE: Yeas, 73; Nays, 25; Absent or not voting, 0.
SENATE: Yeas, 40; Nays, 5; Absent or not voting, 4.

Official Ballot Title:

Shall the legislature's cleanup program, with 0.8% hazardous substance tax raising less money, with less coverage of petroleum, be retained?

The law as it now exists:

State law enacted in October, 1987 provides for a hazardous waste cleanup program in the State of Washington. The primary responsibility for the cleanup of hazardous waste sites is imposed upon the owner or operator of the site, the person responsible for

the disposal or release, and the generator or transporter of the waste. The strict liability under the law does not apply to persons who, without negligence and in accordance with State and federal law, apply pesticides or fertilizers for the purpose of growing any crops, trees, nursery plants, or farm animals.

The State Department of Ecology is empowered to investigate, adopt rules, establish standards, classify substances as hazardous substances, require remedial actions, establish priorities for site cleanups, promote hazardous waste reduction and recycling, and provide educational programs. A scientific advisory board is to advise the Department.

The person legally responsible for the cleanup of a hazardous waste site must be given a reasonable opportunity by the Department of Ecology to develop a remedial program, meeting the Department's standards for the cleanup of the site. The Department, before approving such plan and settlement, must give an opportunity for public comment. The plan, when approved, must be filed with the superior court; then there is a thirty-day waiting period for public comment. As part of an approved cleanup plan, the Department can defray some of the costs, agree not to bring suit to compel cleanup in excess of the plan, and certify the completion of the cleanup. Such approved cleanup programs are exempted from various permits that would otherwise be required by law.

The Department of Ecology can, for failure to comply with a Department order, seek from the court civil penalties of up to three times the remedial costs incurred by the State and penalties of up to \$10,000 per day. The State's costs to clean up a hazardous waste site is a debt secured by a lien on the real property. The Department's orders are subject to review in court.

Private persons can sue the Department of Ecology to compel it to perform any nondiscretionary duty under this law. Private persons can also sue to compel potentially liable persons to comply with the law as well as other common-law and statutory actions. Clean-up contractors are not liable unless they are negligent or grossly negligent.

Owners who know that a significant quantity of hazardous materials has been released or spilled on their property must place a notice of that fact in the county real estate records, and must also notify the State Department of Ecology. When the Department of Ecology discovers such a release or spill, the Department is required to place a notice of such fact in the county real estate records.

The Department of Agriculture may dispose of unusable pesticides collected from licensed pesticide operators. And the Department shall implement a pesticide waste disposal program. The Department of Ecology is to adopt rules allowing the Department to
(continued on page 16)

Statement for

97B: THE BEST LAW IS ALREADY ON THE BOOKS

Vote for 97B, Washington's new hazardous waste cleanup law. After three years of work, Governor Gardner called a special session where a bi-partisan majority of the legislature passed the *best* toxic cleanup law in the country.

97B, our new law, is already at work. Initiative 97 would stop the law and delay the cleanups.

97B: THOSE WHO MADE THE MESSES PAY FOR CLEANUPS

Under 97B, 70% of cleanup money comes from the polluters. Using less tax money, cleanups are faster because responsible parties are volunteering to clean up now instead of going to court. Initiative 97 will cause lawsuits, not cleanups.

For example, oil companies pay more than 50% of the toxics tax, but Washington jobs and gasoline prices are protected by exempting out-of-state sales of petroleum.

97B RAISES LESS MONEY, INSURES MORE CLEANUPS

With less than one percent (.08%) tax on toxics, raising about \$6 million a year less than I-97, 97B is designed to insure *more* private cleanups without using tax money.

Half the time, the "responsible party" is a local government. 97B *protects* taxpayers. Local governments get 53% of the toxics tax money to clean up landfills, build recycling plants or other waste facilities and *prevent* future toxic sites.

97B: TOUGH ON TOXICS, FAIR TO TAXPAYERS

The law is tough on toxics, a "win" for the environment, fair to taxpayers – and provides money to *help the average person dispose of household and farm chemicals safely.*

Farmers, businesses (small and large), and local governments support 97B because it protects public health *and* taxpayers, giving the Department of Ecology authority to enforce safe, thorough cleanups, and prevent runaway public costs.

Rebuttal of Statement against

Who helps small businesses and farmers? All farm organizations and small business groups endorse the current law, 97B, *not* I-97. Oil companies pay 50% of the toxics tax under the current law, 97B. I-97's extra money from oil means you pay higher taxes at the gas pump. What I-97 doesn't tell you: They're trying to repeal our current, tough cleanup law, 97B, with a law like the failed federal superfund law – all lawsuits, no cleanups.

For more information, call (206) 448-4972.

Voters Pamphlet Statement Prepared by:

MIKE KREIDLER, State Senator; LORRAINE HINE, State Representative; SID MORRISON, U.S. Representative.

Advisory Committee: DAN EVANS, U.S. Senator; VICKI MCNEILL, President, Association of Washington Cities; RAY HILL, Master, Washington State Grange; ANDREA BEATTY RINIKER, former Director, Department of Ecology; GILBERT S. OMENN, M.D., Ph.D., Chair, Scientific Advisory Board, Department of Ecology.

Statement against

DON'T TRUST POLLUTERS TO CLEAN UP

Toxic waste sites must be cleaned up now. But 97B raises less money. It allows backroom deals from tough cleanup standards. It has weaker enforcement provisions, smaller fines, less money for prevention or to help small businesses and farmers. If we don't force irresponsible polluters to pay for cleanup, taxpayers will.

97B LETS BIG OIL OFF THE HOOK

There is good reason big oil companies support 97B. They get special treatment – a special exemption from the cleanup program. And because of a special tax break for big oil, 97B raises less money than Initiative 97. That's right. Even though 97B has a higher tax rate, *the big oil loophole means less money will be raised.* That means less enforcement and fewer cleanups. *No wonder our worst polluters favor 97B.*

WHO SUPPORTS 97? WHO SUPPORTS 97B?

The choice is clear. 97B is paid for by ARCO, Shell, Texaco, and chemical companies like Union Carbide. Initiative 97 is supported by people who really care: Washington Environmental Council, League of Women Voters, Washington State Labor Council, Sierra Club, Church Council of Greater Seattle, and over 70 health and environmental organizations.

VOTE FOR 97: DON'T BE FOOLED BY 97B

INITIATIVE 97: • Drafted by citizens to protect their families from toxic waste. • Polluters pay to clean up sites. • No exceptions for polluters. • Offenders get big fines now. • Protects farmers and small businesses.

ALTERNATIVE MEASURE 97B: • Supported by the polluters to protect their special interests. • Polluters cut deals; the public pays. • Oil companies get special treatment. • Cases in courts for years. • Protects big polluters.

If the polluters win this election, people lose. Together we can protect our way of life. Call us at (206) 547-1314.

Rebuttal of Statement for

• *Big oil wants 97B.* For three years, oil and chemical companies killed every attempt at a cleanup law. Now they support 97B – to get loopholes to delay cleanups.

• *We can't count on voluntary cleanups.* 97B lets polluters file lawsuits to delay cleanups. Big oil companies get exemptions – then the public will have to pay.

• *97B: less money for cleanups;* less money to collect household and farm chemicals safely; less money to clean up landfills; less money for recycling.

Voters Pamphlet Statement Prepared by:

JOLENE UNSOELD, State Representative; JANICE NIEMI, State Senator, DAVID BRICKLIN, President, Washington Environmental Council.

Advisory Committee: THE REVEREND DR. WILLIAM B. CATE, President, Church Council of Greater Seattle; LAWRENCE KENNEY, President, Washington State Labor Council; WENDY A. WENDLANDT, Executive Director, Washington Public Interest Research Group; HENRY BURTON, Chair, Cascade Chapter Sierra Club; WANDA HAAS, President, League of Women Voters of Washington.



HOUSE JOINT RESOLUTION 4222

PROPOSED CONSTITUTIONAL AMENDMENT

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of House Joint Resolution 4222 begins on page 34.

Vote cast by the 1988 Legislature on final passage:
HOUSE: Yeas, 97; Nays, 0; Absent or not voting, 1.
SENATE: Yeas, 48; Nays, 1; Absent or not voting, 0.

Official Ballot Title:

Shall the legislature's authority to exempt from tax \$300 of a family head's personal property value be increased to \$3,000?

The law as it now exists:

While the State Constitution requires that taxes be uniform on the same class of property, it specifically authorizes the legislature to exempt \$300 of personal property value from taxation for each head of a family.

The effect of HJR 4222, if approved into law:

If approved, HJR 4222 will increase from \$300 to \$3,000 the value of personal property that the legislature is authorized to exempt from taxation for each head of a family.

Statement for

WHO PAYS PERSONAL PROPERTY TAXES?

The legislature has historically exempted household goods and personal effects from personal property taxes. However, current law provides that any household goods and equipment that are used in a business operated from a home are subject to property taxes if the property is worth more than \$300. This \$300 exemption was established in 1935, over fifty years ago.

HJR 4222 increases the exemption for \$300 to \$3000.

WHY INCREASE THE EXEMPTION?

There are reasons why HJR 4222 passed the legislature 145 to one. First, the \$300 exemption has not been increased since 1935. The intervening inflation makes the \$300 (based on 1935 money standards) worth \$3000 today. Secondly, local governments are spending a great deal of time and effort collecting small amounts of personal property tax. For example, \$4.00 of property tax per \$300 item means that assessing and taxing low value items costs more than the taxes collected.

- Vote YES on HJR 4222 and provide a common-sense increase in the personal property tax exemption.
- Vote YES on HJR 4222 and eliminate a tax that now costs more to collect than its worth.
- Vote YES on HJR 4222 - a good government proposal that passed the legislature 145 to one.

Voters Pamphlet Statement Prepared by:

ALAN BLUECHEL, State Senator; MARLIN APPELWICK, State Representative; BRUCE HOLLAND, State Representative.

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 House Joint Resolution 4222 or other individual opposing the measure consented to write an argument against the measure for publication in this pamphlet.



HOUSE JOINT RESOLUTION 4223

PROPOSED CONSTITUTIONAL AMENDMENT

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of House Joint Resolution 4223 begins on page 35.

Vote cast by the 1988 Legislature on final passage:
HOUSE: Yeas, 94; Nays, 0; Absent or not voting, 4.
SENATE: Yeas, 33; Nays, 16; Absent or not voting, 0.

Official Ballot Title:

Shall the constitutional authority for public utilities to assist residential energy conservation continue and extend to other structures and equipment?

The law as it now exists:

The State Constitution prohibits municipal corporations, such as counties, cities and public utility districts, from giving or lending their funds to private persons who are not poor or infirm. In 1979, the Constitution was amended to specifically permit the legislature to

authorize municipal corporations which sell or distribute energy to assist owners of residential structures to finance the acquisition and installation of materials and equipment for the conservation or more effective use of energy. This 1979 constitutional authorization expires on January 1, 1990.

The effect of HJR 4223, if approved into law:

If approved, HJR 4223 will permit the continuation of the energy conservation program for residences by eliminating the expiration date of January 1, 1990. It will also permit the legislature to expand the eligibility of the program to all structures and equipment but will exclude any purposes which result in a conversion from one energy source to another.

Statement for

HJR 4223 PRESERVES THE BENEFITS OF ENERGY CONSERVATION

Since 1979, when Washington voters approved a constitutional amendment permitting publicly-owned utilities to make residential energy conservation loans, energy conservation has proven to be the quickest, cleanest, and cheapest source of new energy.

Approval of HJR 4223 allows publicly-owned utilities to continue highly successful loan programs to help residential customers conserve electricity. HJR 4223 also authorizes conservation loans to non-profit corporations, small businesses, and other commercial interests.

ENERGY CONSERVATION LOANS ARE PROVEN AND EFFECTIVE

- All ratepayers benefit from continued energy conservation loan programs:
- Conservation defers the need for expensive new power plants and rate increases to pay for them.
- Thousands of homeowners and renters have saved significant amounts of money through lower utility bills.
- Utilities have saved millions of kilowatts.
- Hundreds of private sector jobs have been generated because authorized loan programs required private contractors to perform the work.

HJR 4223 MAINTAINS THE PROTECTION OF PUBLIC AND PRIVATE INTERESTS

HJR 4223 carefully limits conservation loan programs. No tax dollars are involved. Only funds from the sale of electricity can be used for conservation loans.

Loans can be used only for the purchase and installation of energy conservation materials. They cannot be used to change from one energy source to another.

The sale and installation of conservation materials will continue to be performed by qualified private businesses.

VOTE ENERGY CONSERVATION. VOTE YES ON HJR 4223.

Voters Pamphlet Statement Prepared by:

DICK NELSON, State Representative; MAX BENITZ, State Senator; DANIEL J. EVANS, U.S. Senator.

Advisory Committee: WANDA HASS, President, League of Women Voters of Washington; RAY HILL, Master, Washington State Grange; LARRY KENNEY, President, Washington State Labor Council; GARY D. BRACKETT, Tacoma-Pierce County Chamber of Commerce; BOOTH GARDNER, Governor.

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 House Joint Resolution 4223 or other individual opposing the measure consented to write an argument against the measure for publication in this pamphlet.



HOUSE JOINT RESOLUTION 4231

PROPOSED CONSTITUTIONAL AMENDMENT

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of House Joint Resolution 4231 begins on page 35.

Vote cast by the 1988 Legislature on final passage:
HOUSE: Yeas, 94; Nays, 0, Absent or not voting, 4.
SENATE: Yeas, 46; Nays, 0, Absent or not voting, 3.

Official Ballot Title:

Shall references in the State Constitution to "idiots, insane, dumb, and defective youth" be removed and new language be added?

The law as it now exists:

The State Constitution declares that "idiots and insane persons" are not eligible to vote. The Constitution, in describing educational,

reformatory and penal institutions which shall be operated and supported by the state, also refers to the institutions for the benefit of the "blind, deaf, dumb or otherwise defective youth, and for the insane or the idiotic."

The effect of HJR 4231, if approved into law:

If approved, HJR 4231 would remove from the State Constitution references to "idiots, insane, dumb, otherwise defective youth and idiot." New language would provide that individuals who are judicially declared mentally incompetent would be ineligible to vote during the period of their incompetency. The description of institutions operated or supported by the state would add new language referring to "youth who are blind or deaf or otherwise disabled; and persons who are mentally ill or developmentally disabled."

Statement for

People with disabilities deserve our full respect. But they have not always received it.

In bygone days people with disabilities were sometimes considered to be less than full human beings. They were referred to as "idiots" and "defective." Such words used in those days reflected prejudice and ignorance. Unfortunately our State Constitution still contains such language.

It is past time that we update the obsolete passages in our State Constitution which refer to people with disabilities. Our Constitution should treat all of us with the respect we deserve as people.

This measure is a simple change in the wording of two sentences. It will cause no change in policy. But it will mean a great deal to thousands of Washingtonians. Please support this measure.

Voters Pamphlet Statement Prepared by:

WES PRUITT, State Representative; ARLIE DEJARNATT, State Senator; GARY NELSON, State Senator.

Advisory Committee: RALPH MUNRO, Secretary of State; RUTH FISHER, Chair, House Committee on Constitution, Elections and Ethics, State Representative; WM. L. E. DUSSAULT, J.D., Attorney at Law; VAN R. HINKLE, Co-Founder, Foundation for the Handicapped; JOY ISHAM, President, Washington Association of Retarded Citizens.

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 House Joint Resolution 4231 or other individual opposing the measure consented to write an argument against the measure for publication in this pamphlet.

(Explanatory statement for Initiative Measure 97 is continued here from page 7.)

collect and dispose of household hazardous wastes. The Department provides grants to local governments for household hazardous waste collection and disposal.

The law also makes it a crime (a felony) to be guilty of toxic endangerment.

Until July 1, 1990, petroleum is not subject to the hazardous waste provisions unless it is an extremely hazardous waste or a solid waste decomposition that presents a substantial threat to human health or environment. Petroleum is, however, not exempt from cleanup orders for spills, leaks and discharges.

A State tax of 8/10 of 1% is imposed on the wholesale value of hazardous substances which includes petroleum products except for natural gas, alumina, petroleum coke and petroleum products exported for use or sale outside the State. 53 percent of the proceeds of that tax is made available to local government and 47 percent to State government for the hazardous waste cleanup program.

The Department of Ecology is to establish fees for water discharge permits to pay the costs of monitoring such permits, but not to exceed a total of \$3,600,000 for the 1987-89 biennium.

The Legislature has appropriated to carry out this program \$41,600,000 for expenditure through June 30, 1989.

If neither Alternative Measure 97B nor Initiative 97 is approved by the voters, then the current law is repealed effective upon certification of the election results.

The effect of Initiative Measure 97, if approved into law:

If Initiative 97 is approved, then the existing law is repealed on March 1, 1989 and the following becomes the new law:

The primary responsibility for the cleanup of hazardous waste sites would be imposed upon the owner or operator of the site, the person responsible for the disposal or release, and the generator, or the transporter of the waste. The strict liability under the Initiative does not apply to persons who, without negligence and in accordance with State and federal law, apply pesticides and fertilizers for the purpose of growing food crops.

The State Department of Ecology is empowered to investigate, adopt rules, establish standards, classify substances as hazardous substances, require remedial actions, establish priorities for site cleanups, promote hazardous waste reduction and recycling and provide educational programs. A scientific advisory board and regional citizen advisory committees are to advise the Department.

Before the Department finds that a person is potentially liable, the person is to be notified and allowed an opportunity for comment. No settlement can be made by the Department of Ecology with any person who is potentially liable for the cleanup of hazardous waste sites unless the Attorney General agrees to the settlement and the Department finds, after a public hearing, the settlement would lead to a more expeditious cleanup of the hazardous substances. A settlement agreement must be entered as a court order. A settlement may later be reopened if factors are discovered which present a previously unknown threat to human health or the environment. The Department can provide financial assistance only in situations which would result in a more expeditious cleanup and prevention of an unfair economic hardship.

The Attorney General can seek from the court, for failure to comply with a Department of Ecology order, civil penalties of up to three times any costs incurred by the State as a result of persons' refusal to comply and penalties of up to \$25,000 a day. The Department's actions are reviewable in court.

Private persons can sue the Department of Ecology to compel it to perform any nondiscretionary duty under this law. Private persons can also pursue common-law and other statutory actions. Cleanup

contractors are held to strict liability but if the contractor is retained by Ecology, the State can be indemnified by the State.

The law also makes it a crime, a felony, to knowingly transport, treat, store, handle or dispose of a hazardous substance in violation of this law. Petroleum in underground storage tanks, in compliance with federal, State and local laws, is not subject to this law unless there is a release from the tank. However, petroleum is subject to the hazardous waste provisions.

A State tax of 7/10ths of 1% is imposed on the wholesale value of hazardous substances which includes petroleum products except for natural gas and alumina. 52.86 percent of the proceeds of that tax is made available to local government and 47.14 percent to State government for the hazardous waste cleanup program. None of these funds can be used for solid waste incineration.

The Department of Ecology is to establish annual fees for water discharge permits and the maximum fee for municipalities shall not exceed five cents per month per residence contributing to the municipality's waste water system.

The Legislature's appropriation of \$41,600,000 for the hazardous waste program will expire March 1, 1989 and expenditures after that date will require a legislative appropriation.

(Explanatory statement for Alternative Measure 97B continued from page 9.)

collect and dispose of household hazardous wastes. The Department provides grants to local governments for household hazardous waste collection and disposal.

The law also makes it a crime (a felony) to be guilty of toxic endangerment.

Until July 1, 1990, petroleum is not subject to the hazardous waste provisions unless it is an extremely hazardous waste or a solid waste decomposition that presents a substantial threat to human health or environment. Petroleum is, however, not exempt from cleanup orders for spills, leaks and discharges.

A State tax of 8/10 of 1% is imposed on the wholesale value of hazardous substances which includes petroleum products except for natural gas, alumina, petroleum coke and petroleum products exported for use or sale outside the State. 53 percent of the proceeds of that tax is made available to local government and 47 percent to State government for the hazardous waste cleanup program.

The Department of Ecology is to establish fees for water discharge permits to pay the costs of monitoring such permits, but not to exceed a total of \$3,600,000 for the 1987-89 biennium.

The Legislature has appropriated to carry out this program \$41,600,000 for expenditure through June 30, 1989.

If neither Alternative Measure 97B nor Initiative 97 is approved by the voters, then the current law is repealed effective upon certification of the election results.

The effect of Alternative Measure 97B, if approved into law:

If Alternative Measure 97B is approved, then the existing law enacted in October, 1987 will remain the same. For an explanation of that law, see the description above under the caption "The Law As It Now Exists" (**beginning on page 8**).

Note: To obtain a copy of the following text for the state measures in larger print, call the Secretary of State's toll-free hotline – 1-800-448-4881.



COMPLETE TEXT OF Initiative to the People 518

AN ACT Relating to the state minimum wage; amending RCW 49.46.010 and 49.46.202; adding a new section to chapter 49.46 RCW; and providing an effective date.

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

Sec. 1. Section 1, chapter 294, Laws of 1959 as last amended by section 364, chapter 7, Laws of 1984 and RCW 49.46.010 are each amended to read as follows:

As used in this chapter:

(1) "Director" means the director of labor and industries;
(2) "Wage" means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by regulations of the director;

(3) "Employ" includes to permit to work;

(4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;

(5) "Employee" includes any individual employed by an employer but shall not include:

(a) ~~((Any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; and the exclusions from the term "employee" provided in this item shall not be deemed applicable with respect to commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;~~

~~(b) Any individual employed in domestic service in or about a private home;~~

~~(c) Any individual (i) employed as a hand harvest laborer and paid on a piece rate basis in an operation which has been, and is generally and customarily recognized as having been, paid on a piece rate basis in the region of employment; (ii) who commutes daily from his or her permanent residence to the farm on which he or she is employed; and (iii) who has been employed in agriculture less than thirteen weeks during the preceding calendar year;~~

~~(b) Any individual employed in casual labor in or about a private home, unless performed in the course of the employer's trade, business, or profession;~~

~~(c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman as those terms are defined and delimited by regulations of the director. However, those terms shall be defined and delimited by the state personnel board pursuant to chapter 41.06 RCW and the higher education personnel board pursuant to chapter 283.16 RCW for employees employed under their respective jurisdictions;~~

~~(d) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency, or nonprofit~~

organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously. If the individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local government or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(e) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of the voluntary services. The voluntary services and any compensation therefor shall not affect or add to qualification, entitlement or benefit rights under any state, local government, or publicly supported retirement system other than that provided under Chapter 41.24 RCW;

(f) Any newspaper vendor or carrier;

(g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

(h) Any individual engaged in forest protection and fire prevention activities;

(i) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

(j) Any individual whose duties require that he or she reside or sleep at the place of his or her employment or who otherwise spends a substantial portion of his or her work time subject to call, and not engaged in the performance of active duties;

(k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution;

(l) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature;

(m) All vessel operating crews of the Washington state ferries operated by the department of transportation;

(n) Any individual employed as a seaman on a vessel other than an American vessel.

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed.

Sec. 2. Section 2, chapter 294, Laws of 1959 as last amended by section 2, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.020 are each amended to read as follows:

~~((f)) Every employer shall pay to each of his or her employees who ((have)) has reached the age of eighteen years wages at a rate of not less than ((one dollar)) three dollars and ((sixty)) eighty-five cents per hour except as may be otherwise provided under ((subsections (2) through (7)) of this section or as otherwise provided under this chapter. PROVIDED: That beginning the calendar year 1974, the applicable rate under this section shall be one dollar and eighty cents per hour, and beginning with September 1, 1975 the applicable rate under this section shall be two dollars and ten cents an hour, and beginning the calendar year 1976 the applicable rate under this section shall be two dollars and thirty cents an hour)) this section. Beginning January 1, 1990, the state minimum wage shall be four dollars and twenty-five cents per hour. The director shall by regulation establish the minimum wage for employees under the age of eighteen years.~~

~~((2) Any individual eighteen years of age or older, unless exempt under the provisions of section 1(5)(k)(8) of this 1975 amendatory act, employed by the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof shall be paid wages beginning with September 1, 1975, at a rate of not less than two dollars an hour, and beginning the calendar year 1976 at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977 at a rate of not less than two dollars and thirty cents an hour.~~

~~(3) Any individual eighteen years of age or older engaged in per-~~

forming services in a nursing home licensed pursuant to chapter 48.54 RCW, shall be paid wages beginning with September 1, 1975, at a rate of not less than two dollars and ten cents an hour, and beginning the calendar year 1976, at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977, at a rate of not less than two dollars and thirty cents an hour.

(4) Any individual eighteen years of age or older engaged in performing services in a hospital licensed pursuant to chapter 70.41 RCW, or chapter 71.12 RCW, shall be paid wages beginning with September 1, 1975, at a rate of not less than two dollars and ten cents an hour, and beginning the calendar year 1976, at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977 at a rate of not less than two dollars and thirty cents an hour.

(5) Any individual eighteen years of age or older employed in a retail or service establishment and who is so employed primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs shall be paid wages beginning with September 1, 1975, at a rate of not less than two dollars an hour, and beginning the calendar year 1976, at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977, at a rate of not less than two dollars and thirty cents an hour.)

Sec. 3. Section 15, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.121 are each amended to read as follows:

The committee, or the director, may at any time inquire into wages, hours, and conditions of labor and minors employed in any trade, business or occupation in the state of Washington and may adopt special rules for the protection of the safety, health and welfare of minor employees (such minimum wages not to exceed the state minimum wage as prescribed in RCW 49.46.020, as now or hereafter amended). The minimum wage for minors shall be as prescribed in RCW 49.46.020. The committee shall issue work permits to employers for the employment of minors, after being assured the proposed employment of a minor meets the standards set forth concerning the health, safety and welfare of minors as set forth in the rules and regulations promulgated by the committee. No minor person shall be employed in any occupation, trade or industry subject to this 1973 amendatory act, unless a work permit has been properly issued, with the consent of the parent, guardian or other person having legal custody of the minor and with the approval of the school which such minor may then be attending.

NEW SECTION. Sec. 4. A new section is added to chapter 49.46 RCW to read as follows:

Beginning January 1, 1991, and prior to January 1 of each odd-numbered year thereafter, the office of financial management shall review the state minimum wage and make recommendations to the legislature and the governor regarding its increase.

NEW SECTION. Sec. 5. This act shall take effect January 1, 1989.



COMPLETE TEXT OF Initiative 97

AN ACT Relating to the environment; amending RCW 43.21B.—; adding a new chapter to Title 70 RCW; adding a new chapter to Title 82 RCW; adding a new section to chapter 70.105 RCW; adding a new section to chapter 70.105A RCW; adding a new section to chapter 90.48 RCW; creating new sections; repealing RCW 90.48.460; prescribing penalties; and providing an effective date.

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

NEW SECTION. Sec. 1. DECLARATION OF POLICY. (1) Each person has a fundamental and inalienable right to a healthful environment, and each person has a responsibility to preserve and enhance that right. The beneficial stewardship of the land, air, and waters of the state is a solemn obligation of the present generation for the benefit of future generations.

(2) A healthful environment is now threatened by the irresponsible use and disposal of hazardous substances. There are hundreds of hazardous waste sites in this state, and more will be created if current waste practices continue. Hazardous waste sites threaten the state's water resources, including those used for public drinking water. Many of our municipal landfills are current or potential hazardous waste sites and present serious threats to human health and environment. The costs of eliminating these threats in many cases are beyond the financial means of our local governments and ratepayers. The main purpose of this act is to raise sufficient funds to clean up all hazardous waste sites and to prevent the creation of future hazards due to improper disposal of toxic wastes into the state's land and waters.

(3) Many farmers and small business owners who have followed the law with respect to their uses of pesticides and other chemicals nonetheless may face devastating economic consequences because their uses have contaminated the environment or the water supplies of their neighbors. With a source of funds, the state may assist these farmers and business owners, as well as those persons who sustain damages, such as the loss of their drinking water supplies, as a result of the contamination.

(4) Because it is often difficult or impossible to allocate responsibility among persons liable for hazardous waste sites and because it is essential that sites be cleaned up well and expeditiously, each responsible person should be liable jointly and severally.

NEW SECTION. Sec. 2. DEFINITIONS. (1) "Department" means the department of ecology.

(2) "Director" means the director of ecology or the director's designee.

(3) "Facility" means (a) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft, or (b) any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

(4) "Federal cleanup law" means the federal comprehensive environmental response, compensation, and liability act of 1980, 42 U.S.C. Sec. 9601 et seq., as amended by Public Law 99-499.

(5) "Hazardous substance" means:

(a) Any dangerous or extremely hazardous waste as defined in RCW 70.105.010(5) and (6), or any dangerous or extremely dangerous waste designated by rule pursuant to chapter 70.105 RCW;

(b) Any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule pursuant to chapter 70.105 RCW;

(c) Any substance that, on the effective date of this section, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C. Sec. 9601(14);

(d) Petroleum or petroleum products; and

(e) Any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment.

The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law.

(6) "Owner or operator" means:

(a) Any person with any ownership interest in the facility or who exercises any control over the facility; or

(b) In the case of an abandoned facility, any person who had owned, or operated, or exercised control over the facility any time before its abandonment;

The term does not include:

(i) An agency of the state or unit of local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or circumstances in which the government involuntarily acquires title. This exclusion does not apply to an agency of the state or unit of local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility; or

(ii) A person who, without participation in the management of a facility, holds indicia of ownership primarily to protect the person's security interest in the facility.

(7) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, unit of local government, federal government agency, or Indian tribe.

(8) "Potentially liable person" means any person whom the department finds, based on credible evidence, to be liable under section 4 of this act. The department shall give notice to any such person and allow an opportunity for comment before making the finding, unless an emergency requires otherwise.

(9) "Public notice" means, at a minimum, adequate notice mailed to all persons who have made timely request of the department and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the newspaper of largest circulation in the city or county of the proposed action; and opportunity for interested persons to comment.

(10) "Release" means any intentional or unintentional entry of any hazardous substance into the environment, including but not limited to the abandonment or disposal of containers of hazardous substances.

(11) "Remedy" or "remedial action" means any action or expenditure consistent with the purposes of this chapter to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

NEW SECTION. Sec. 3. DEPARTMENT'S POWERS AND DUTIES. (1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or willful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of section 2(5) of this act and classify substances and products as hazardous substances for purposes of section 9(1) of this act; and

(f) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.04 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department, within nine months

after the effective date of this section, shall adopt, and thereafter enforce, rules under chapter 34.04 RCW to:

(a) Provide for public participation, including at least (i) the establishment of regional citizen's advisory committees, (ii) public notice of the development of investigative plans or remedial plans for releases or threatened releases, and (iii) concurrent public notice of all compliance orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site; and

(d) Publish and periodically update minimum cleanup standards for remedial actions at least as stringent as the cleanup standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law.

(3) Before November 1st of each even-numbered year, the department shall develop, with public notice and hearing, and submit to the ways and means and appropriate standing environmental committees of the senate and house of representatives a ranked list of projects and expenditures recommended for appropriation from both the state and local toxics control accounts. The department shall also provide the legislature and the public each year with an accounting of the department's activities supported by appropriations from the state toxics control account, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its top two management priorities under RCW 70.105.150, and all funds expended under this chapter.

(4) The department shall establish a scientific advisory board to render advice to the department with respect to the hazard ranking system, cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the classification of substances as hazardous substances for purposes of section 2(5) of this act and the classification of substances or products as hazardous substances for purposes of section 9(1) of this act. The board shall consist of five independent members to serve staggered three-year terms. No members may be employees of the department. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

NEW SECTION. Sec. 4. STANDARD OF LIABILITY. (1) Except as provided in subsection (3) of this section, the following persons are liable with respect to a facility:

(a) The owner or operator of the facility;

(b) Any person who owned or operated the facility at the time of disposal or release of the hazardous substances;

(c) Any person who owned or possessed a hazardous substance and who by contract, agreement, or otherwise arranged for disposal or treatment of the hazardous substance at the facility, or arranged with a transporter for transport for disposal or treatment of the hazardous substances at the facility, or otherwise generated hazardous wastes disposed of or treated at the facility;

(d) Any person (i) who accepts or accepted any hazardous substance for transport to a disposal, treatment, or other facility selected by such person from which there is a release or a threatened release for which remedial action is required, unless such facility, at the time of disposal or treatment, could legally receive such substance; or (ii) who accepts a hazardous substance for transport to such a facility and has reasonable grounds to believe that such facility is not operated in accordance with chapter 70.105 RCW; and

(e) Any person who both sells a hazardous substance and is responsible for written instructions for its use if (i) the substance is used according to the instructions and (ii) the use constitutes a release for which remedial action is required at the facility.

(2) Each person who is liable under this section is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the releases or threatened releases of hazardous

substances. The attorney general, at the request of the department, is empowered to recover all costs and damages from persons liable therefor.

(3) The following persons are not liable under this section:

(a) Any person who can establish that the release or threatened release of a hazardous substance for which the person would be otherwise responsible was caused solely by:

- (i) An act of God;
- (ii) An act of war; or

(iii) An act or omission of a third party (including but not limited to a trespasser) other than (A) an employee or agent of the person asserting the defense, or (B) any person whose act or omission occurs in connection with a contractual relationship existing, directly or indirectly, with the person asserting this defense to liability. This defense only applies where the person asserting the defense has exercised the utmost care with respect to the hazardous substance, the foreseeable acts or omissions of the third party, and the foreseeable consequences of those acts or omissions;

(b) Any person who is an owner, past owner, or purchaser of a facility and who can establish by a preponderance of the evidence that at the time the facility was acquired by the person, the person had no knowledge or reason to know that any hazardous substance, the release or threatened release of which has resulted in or contributed to the need for the remedial action, was released or disposed of on, in, or at the facility. This subsection (b) is limited as follows:

(i) To establish that a person had no reason to know, the person must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property, consistent with good commercial or customary practice in an effort to minimize liability. Any court interpreting this subsection (b) shall take into account any specialized knowledge or experience on the part of the person, the relationship of the purchase price to the value of the property if uncontaminated, commonly known or reasonably ascertainable information about the property, the obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate inspection;

(ii) The defense contained in this subsection (b) is not available to any person who had actual knowledge of the release or threatened release of a hazardous substance when the person owned the real property and who subsequently transferred ownership of the property without first disclosing such knowledge to the transferee;

(iii) The defense contained in this subsection (b) is not available to any person who, by any act or omission, caused or contributed to the release or threatened release of a hazardous substance at the facility;

(c) Any natural person who uses a hazardous substance lawfully and without negligence for any personal or domestic purpose in or near a dwelling or accessory structure when that person is: (i) A resident of the dwelling; (ii) a person who, without compensation, assists the resident in the use of the substance; or (iii) a person who is employed by the resident, but who is not an independent contractor;

(d) Any person who, for the purpose of growing food crops, applies pesticides or fertilizers without negligence and in accordance with all applicable laws and regulations.

(4) There may be no settlement by the state with any person potentially liable under this chapter except in accordance with this subsection.

(a) The attorney general may agree to a settlement with any potentially liable person only if the department finds, after public notice and hearing, that the proposed settlement would lead to a more expeditious cleanup of hazardous substances in compliance with cleanup standards under section 3(2)(d) of this act and with any remedial orders issued by the department. Whenever practicable and in the public interest, the attorney general may expedite such a settlement with persons whose contribution is insignificant in amount and toxicity.

(b) A settlement agreement under this subsection shall be entered as a consent decree issued by a court of competent jurisdiction.

(c) A settlement agreement may contain a covenant not to sue only of a scope commensurate with the settlement agreement in favor of any person with whom the attorney general has settled under this section. Any covenant not to sue shall contain a reopener clause which requires the court to amend the covenant not to sue if factors not known at the

time of entry of the settlement agreement are discovered and present a previously unknown threat to human health or the environment.

(d) A party who has resolved its liability to the state under this subsection shall not be liable for claims for contribution regarding matters addressed in the settlement. The settlement does not discharge any of the other liable parties but it reduces the total potential liability of the others to the state by the amount of the settlement.

(5) Nothing in this chapter affects or modifies in any way any person's right to seek or obtain relief under other statutes or under common law, including but not limited to damages for injury or loss resulting from a release or threatened release of a hazardous substance. No settlement by the department or remedial action ordered by a court or the department affects any person's right to obtain a remedy under common law or other statutes.

NEW SECTION. Sec. 5. ENFORCEMENT. (1) With respect to any release, or threatened release, for which the department does not conduct or contract for conducting remedial action and for which the department believes remedial action is in the public interest, the director shall issue orders requiring potentially liable persons to provide the remedial action. Any liable person who refuses, without sufficient cause, to comply with an order of the director is liable in an action brought by the attorney general for:

(a) Up to three times the amount of any costs incurred by the state as a result of the party's refusal to comply; and

(b) A civil penalty of up to twenty-five thousand dollars for each day the party refuses to comply. The treble damages and civil penalty under this subsection apply to all recovery actions filed on or after the effective date of this section.

(2) Any person who incurs costs complying with an order issued under subsection (1) of this section may petition the department for reimbursement of those costs. If the department refuses to grant reimbursement, the person may within thirty days thereafter file suit and recover costs by proving that he or she was not a liable person under section 4 of this act and that the costs incurred were reasonable.

(3) The attorney general shall seek, by filing an action if necessary, to recover the amounts spent by the department for investigative and remedial actions and orders, including amounts spent prior to the effective date of this section.

(4) The attorney general may bring an action to secure such relief as is necessary to protect human health and the environment under this chapter.

(5) (a) Any person may commence a civil action to compel the department to perform any nondiscretionary duty under this chapter. At least thirty days before commencing the action, the person must give notice of intent to sue, unless a substantial endangerment exists. The court may award attorneys' fees and other costs to the prevailing party in the action.

(b) Civil actions under this section and section 6 of this act may be brought in the superior court of Thurston county or of the county in which the release or threatened release exists.

NEW SECTION. Sec. 6. TIMING OF REVIEW. The department's investigative and remedial decisions under sections 3 and 5 of this act and its decisions regarding liable persons under sections 2(8) and 4 of this act shall be reviewable exclusively in superior court and only at the following times: (1) In a cost recovery suit under section 5(3) of this act; (2) in a suit by the department to enforce an order or seek a civil penalty under this chapter; (3) in a suit for reimbursement under section 5(2) of this act; (4) in a suit by the department to compel investigative or remedial action; and (5) in a citizen's suit under section 5(5) of this act. The court shall uphold the department's actions unless they were arbitrary and capricious.

NEW SECTION. Sec. 7. TOXICS CONTROL ACCOUNTS. (1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under section 10 of this act and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW after the effective date of this section; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or

transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with RCW 70.95.130, 70.95.140, 70.95.220, 70.95.230, 70.95.530, 70.105.220, 70.105.225, 70.105.235, and 70.105.260;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under section 3(2)(d) of this act but only when the amount and terms of such funding are established under a settlement agreement under section 4(4) of this act and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under section 10 of this act and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent. Moneys deposited in the local toxics control account shall be used by the department for grants to local governments for the following purposes in descending order of priority: (a) Remedial actions; (b) hazardous waste plans and programs under RCW 70.105.220, 70.105.225, 70.105.235, and 70.105.260; and (c) solid waste plans and programs under RCW 70.95.130, 70.95.140, 70.95.220, and 70.95.230. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105 and 70.95 RCW.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute. All earnings from investment of balances in the accounts, except as provided in RCW 43.84.090, shall be credited to the accounts.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed fifty thousand dollars though it may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant issuance and performance.

NEW SECTION. Sec. 8. INTENT OF POLLUTION TAX. It is the intent of this chapter to impose a tax only once for each hazardous substance possessed in this state and to tax the first possession of all hazardous substances, including substances and products that the department of ecology determines to present a threat to human health or the environment. However, it is not intended to impose a tax on the first possession of small amounts of any hazardous substance (other than petroleum and pesticide products) that is first possessed by a retailer for the purpose of sale to ultimate consumers. This chapter is not intended to exempt any person from tax liability under any other law.

NEW SECTION. Sec. 9. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Hazardous substance" means:

(a) Any substance that, on the effective date of this section, is a hazardous substance under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, 42 U.S.C. Sec. 9601(14), as amended by Public Law 99-499;

(b) Petroleum products;

(c) Any pesticide product required to be registered under the federal insecticide, fungicide and rodenticide act; and

(d) Any other substance, category of substance, and any product or category of product determined by the director of ecology by rule to present a threat to human health or the environment if released into the environment. The director of ecology shall not add or delete substances from this definition more often than twice during each calendar year. For tax purposes, changes in this definition shall take effect on the first day of the next month that is at least thirty days after the effective date of the rule. The word "product" or "products" as used in this paragraph (d) means an item or items containing both: (i) One or more substances that are hazardous substances under (a), (b), or (c) of this subsection or that are substances or categories of substances determined under this paragraph (d) to present a threat to human health or the environment if released into the environment; and (ii) one or more substances that are not hazardous substances.

(2) "Petroleum product" means plant condensate, lubricating oil, gasoline, aviation fuel, kerosene, diesel motor fuel, benzol, fuel oil, residual oil, liquefied or liquefiable gases such as butane, ethane, and propane, and every other product derived from the refining of crude oil, but the term does not include crude oil.

(3) "Possession" means the control of a hazardous substance located within this state and includes both actual and constructive possession. "Actual possession" occurs when the person with control has physical possession. "Constructive possession" occurs when the person with control does not have physical possession. "Control" means the power to sell or use a hazardous substance or to authorize the sale or use by another.

(4) "Previously taxed hazardous substance" means a hazardous substance in respect to which a tax has been paid under this chapter and which has not been remanufactured or reprocessed in any manner (other than mere repackaging or recycling for beneficial reuse) since the tax was paid.

(5) "Wholesale value" means fair market wholesale value, determined as nearly as possible according to the wholesale selling price at the place of use of similar substances of like quality and character, in accordance with rules of the department.

(6) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

NEW SECTION. Sec. 10. POLLUTION TAX. (1) A tax is imposed on the privilege of possession of hazardous substances in this state. The rate of the tax shall be seven-tenths of one percent multiplied by the wholesale value of the substance.

(2) Moneys collected under this chapter shall be deposited in the toxics control accounts under section 7 of this act.

(3) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

NEW SECTION. Sec. 11. EXEMPTIONS. The following are exempt from the tax imposed in this chapter:

(1) Any successive possession of a previously taxed hazardous sub-

stance. If tax due under this chapter has not been paid with respect to a hazardous substance, the department may collect the tax from any person who has had possession of the hazardous substance. If the tax is paid by any person other than the first person having taxable possession of hazardous substance, the amount of tax paid shall constitute a debt owed by the first person having taxable possession to the person who paid the tax.

(2) Any possession of a hazardous substance by a natural person under circumstances where the substance is used, or is to be used, for a personal or domestic purpose (and not for any business purpose) by that person or a relative of, or person residing in the same dwelling as, that person.

(3) Any possession of a hazardous substance amount which is determined as minimal by the department of ecology and which is possessed by a retailer for the purpose of making sales to ultimate consumers. This exemption does not apply to pesticide or petroleum products.

(4) Any possession of alumina or natural gas.

(5) Persons or activities which the state is prohibited from taxing under the United States Constitution.

(6) Any persons possessing a hazardous substance where such possession first occurred before the effective date of this section.

NEW SECTION. Sec. 12. CREDITS. (1) Credit shall be allowed in accordance with rules of the department of revenue for taxes paid under this chapter with respect to fuel carried from this state in the fuel tank of any airplane, ship, truck, or other vehicle.

(2) Credit shall be allowed, in accordance with rules of the department, against the taxes imposed in this chapter for any hazardous substance tax paid to another state with respect to the same hazardous substance. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to that hazardous substance. For the purpose of this subsection:

(a) "Hazardous substance tax" means a tax:

(i) Which is imposed on the act or privilege of possession hazardous substances, and which is not generally imposed on other activities or privileges; and

(ii) Which is measured by the value of the hazardous substance, in terms of wholesale value or other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax.

(b) "State" means (i) the state of Washington, (ii) a state of the United States other than Washington, or any political subdivision of such other state, (iii) the District of Columbia, and (iv) any foreign country or political subdivision thereof.

NEW SECTION. Sec. 13. WATER DISCHARGE FEES. A new section is added to chapter 90.48 RCW to read as follows:

(1) The department shall establish annual fees to collect expenses for issuing and administering each class of permits under RCW 90.48.160, 90.48.162, and 90.48.260. An initial fee schedule shall be established by rule within one year of the effective date of this section, and thereafter the fee schedule shall be adjusted no more often than once every two years. This fee schedule shall apply to all permits, regardless of date of issuance, and fees shall be assessed prospectively. All fees charged shall be based on factors relating to the complexity of permit issuance and compliance and may be based on pollutant loading and toxicity and be designed to encourage recycling and the reduction of the quantity of pollutants. Fees shall be established in amounts to fully recover and not to exceed expenses incurred by the department in processing permit applications and modifications, monitoring and evaluating compliance with permits, conducting inspections, securing laboratory analysis of samples taken during inspections, reviewing plans and documents directly related to operations of permittees, overseeing performance of delegated pretreatment programs, and supporting the overhead expenses that are directly related to these activities.

(2) The annual fee paid by a municipality, as defined in 33 U.S.C. Sec. 1362, for all domestic wastewater facility permits issued under RCW 90.48.162 and 90.48.260 shall not exceed the total of a maximum of five cents per month per residence or residential equivalent contributing to the municipality's wastewater system. The department shall adopt by rule a schedule of credits for any municipality engaging in a comprehensive monitoring program beyond the requirements imposed by the depart-

ment, with the credits available for five years from the effective date of this section and with the total amount of all credits not to exceed fifty thousand dollars in the five-year period.

(3) The department shall ensure that indirect dischargers do not pay twice for the administrative expense of a permit. Accordingly, administrative expenses for permits issued by a municipality under RCW 90.48.165 are not recoverable by the department.

(4) In establishing fees, the department shall consider the economic impact of fees on small dischargers and the economic impact of fees on public entities required to obtain permits for storm water runoff and shall provide appropriate adjustments.

(5) All fees collected under this section shall be deposited in the water quality permit account hereby created in the state treasury. Moneys in the account may be appropriated only for purposes of administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

(6) The department shall submit an annual report to the legislature showing detailed information on fees collected, actual expenses incurred, and anticipated expenses for the current and following fiscal years.

(7) The legislative budget committee in 1993 shall review the fees established under this section and report its findings to the legislature in January 1994.

Sec. 14. Section 6, chapter 109, Laws of 1987 and RCW 43.21B.— are each amended to read as follows:

(1) Any order issued by the department or authority pursuant to RCW 70.94.211, 70.94.332, 70.105.095, 43.27A.190, 86.16.020, or 90.48.120(2) or any provision enacted after July 26, 1987, or any permit, certificate, or license issued by the department may be appealed to the pollution control hearings board if the appeal is filed with the board and served on the department or authority within thirty days after receipt of the order. Except as provided under chapter 70.— RCW (sections 1 through 7 of this 1988 act.) this is the exclusive means of appeal of such an order.

(2) The department or the authority in its discretion may stay the effectiveness of an order during the pendency of such an appeal.

(3) At any time during the pendency of an appeal of such an order to the board, the appellant may apply pursuant to RCW 43.21B.— (section 7, chapter 109, Laws of 1987) to the hearings board for a stay of the order or for the removal thereof.

(4) Any appeal must contain the following in accordance with the rules of the hearings board:

(a) The appellant's name and address;

(b) The date and docket number of the order, permit, or license appealed;

(c) A description of the substance of the order, permit, or license that is the subject of the appeal;

(d) A clear, separate, and concise statement of every error alleged to have been committed;

(e) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and

(f) A statement setting forth the relief sought.

(5) Upon failure to comply with any final order of the department, the attorney general, on request of the department, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary, including injunctive relief, to insure compliance with the order. The air authorities may bring similar actions to enforce their orders.

(6) An appealable decision or order shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed only by filing an appeal with the hearings board and serving it on the department within thirty days of receipt.

NEW SECTION. Sec. 15. A new section is added to chapter 70.105 RCW to read as follows:

Any person who knowingly transports, treats, stores, handles, disposes of, or exports a hazardous substance in violation of this chapter is guilty of: (1) A class B felony if the person knows at the time that the conduct constituting the violation places another person in imminent danger of death or serious bodily injury; or (2) a class C felony if the person knows that the conduct constituting the violation places any property of another person or any natural resources owned by the state of Washington or any of its local governments in imminent danger of harm. As used

in this section, "imminent danger" means that there is a substantial likelihood that harm will be experienced within a reasonable period of time should the danger not be eliminated. As used in this section, "knowingly" refers to an awareness of facts, not awareness of law. Violators shall be punished as provided under RCW 9A.20.021.

NEW SECTION. Sec. 16. A new section is added to chapter 70.105A RCW to read as follows:

The legislature is encouraged to revise the hazardous waste fees prescribed in RCW 70.105A.030 in a manner which provides an incentive for waste reduction and recycling. If prior to the effective date of this section, RCW 70.105A.030 as it existed on August 1, 1987, has not been amended in a manner which specifically provides an incentive for hazardous waste reduction and recycling, then (1) the requirement to pay the fees prescribed in that section is eliminated solely for fees due and payable on June 30, 1989; and (2) the department of ecology shall prepare, and submit to the legislature by January 1, 1990, a proposed revision designed to provide an incentive for hazardous waste reduction and recycling.

NEW SECTION. Sec. 17. REPEALER. Section 4, chapter 249, Laws of 1985 and RCW 90.48.460 are each repealed.

This section shall take effect on the date the rule establishing the initial fee schedule under section 13 of this act takes effect.

NEW SECTION. Sec. 18. 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. 19. 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. 20. EXISTING AGREEMENTS. The consent orders and decrees in effect on the effective date of this section shall remain valid and binding.

NEW SECTION. Sec. 21. CAPTIONS. As used in this act, captions constitute no part of the law.

NEW SECTION. Sec. 22. SHORT TITLE. This act shall be known as "the model toxics control act."

NEW SECTION. Sec. 23. LEGISLATIVE DIRECTIVE. Sections 1 through 7 of this act shall constitute a new chapter in Title 70 RCW. Sections 8 through 12 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 24. REPEALER. Any bill of the legislature involving hazardous substance cleanup (along with any other subject matter) that is enacted between August 15, 1987, and January 1, 1988, is superseded and repealed.

NEW SECTION. Sec. 25. IMPLEMENTATION. By the effective date of this act, the legislature shall provide for any appropriations and/or transfers of appropriations or funds made or accumulated under the bill repealed under section 24 of this act that are necessary to implement this act.

NEW SECTION. Sec. 26. EFFECTIVE DATE. (1) Sections 1 through 24 of this act shall take effect March 1, 1989, except that the director of ecology and the director of revenue may take whatever actions may be necessary to ensure that sections 1 through 24 of this act are implemented on their effective date.

(2) This section does not apply and shall have no force or effect if (a) this act is passed by the legislature in the 1988 regular session or (b) no bill is enacted by the legislature involving hazardous substance cleanup (along with any other subject matter) between August 15, 1987, and January 1, 1988.

section to chapter 43.21C RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.105 RCW; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; adding new sections to chapter 90.48 RCW; adding a new section to chapter 90.58 RCW; creating a new chapter in Title 70 RCW; creating a new chapter in Title 82 RCW; adding a new section to chapter 2, Laws of 1987 3rd ex. sess. and to chapter 82.22 RCW; creating new sections; repealing RCW 70.105A.010, 70.105A.020, 70.105A.030, 70.105A.040, 70.105A.050, 70.105A.060, 70.105A.070, 70.105A.080, 70.105A.090, 70.105A.900, and 70.105A.905; repealing section 65, chapter 2, Laws of 1987 3rd ex. sess. (uncodified); prescribing penalties; making appropriations; providing an effective date; providing an expiration date; and declaring an emergency.

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

NEW SECTION. Sec. 1. INTENT. The legislature recognizes that the beneficial stewardship of the land, air, and waters of the state is a solemn obligation of the present generation for the benefit of future generations.

A healthful environment is threatened by numerous hazardous waste sites in this state. The legislature finds that private parties should be provided with encouragement to exercise their responsibility to clean up the sites for which they are responsible, but that if they refuse to do so, then the state should conduct cleanup operations and recover the costs thereof from the private parties. The legislature also finds that there are numerous publicly owned sites that were former solid waste landfills and that because the cost of cleaning those sites frequently exceeds the financial resources of refuse rate payers, state financial assistance is appropriate.

The legislature finds that because it is often difficult or impossible to allocate responsibility among persons liable for hazardous waste sites and because it is essential that sites be cleaned up well and expeditiously, each liable person should be liable jointly and severally.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions set forth in this section apply throughout this chapter.

(1) "Department" means the department of ecology.

(2) "Director" means the director of ecology or the director's designee.

(3) "Disposal" means the discharge, deposit, injection, release, dumping, spilling, leaking, placing, or allowing to seep of any hazardous substance into or on any land or water.

(4) "Facility" means (a) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft, or (b) any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise, come to be located.

(5) "Federal cleanup law" means the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9601 et seq., as amended by Public Law 99-499.

(6) "Hazardous substance" means:

(a) Any dangerous or extremely hazardous waste as defined in RCW 70.105.010(5) and (6), or any dangerous or extremely hazardous waste designated by rule pursuant to chapter 70.105 RCW;

(b) Any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule pursuant to chapter 70.105 RCW;

(c) Any substance that, on the effective date of this section, is a hazardous substance under section 101(14) of the federal cleanup law;

(d) Any substance or category of substances determined by the director by rule to present a threat to human health or the environment if released into the environment;

(e) Solid waste decomposition products that present a substantial threat to human health or the environment; and

(f) Petroleum and petroleum products.

(7)(a) "Owner or operator" means:

(i) Any person with any ownership interest in the facility or who exercises any control over the facility; or

(ii) In the case of an abandoned facility, any person who had owned,



COMPLETE TEXT OF Alternative Measure 97B

AN ACT Relating to the environment; amending RCW 90.48.460, 90.48.190, and 43.21B.310; adding a new section to chapter 9A.36 RCW; adding a new section to chapter 34.04 RCW; adding a new

operated, or exercised control over the facility any time before its abandonment.

(b) The term "owner or operator" does not include:

(i) An agency of the state or unit of local government that acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or circumstances in which the government involuntarily acquires title; or

(ii) A person who, without participating in the management of a facility, holds indicia of ownership primarily to protect the person's security interest in the facility; or

(iii) A person who holds a security interest in a facility, or who as a result of the interest acquires ownership or control of a facility, where the security interest was created to secure the repayment of value extended solely for the purpose of remedial action costs, and the value actually has been or will be applied to that purpose; or

(iv) A person, including, but not limited to, a bank, savings and loan association, savings bank, credit union or insurance company, which, while holding a security interest in a facility and pursuant to such interest, exercises or has exercised control consistent with ordinary and customary lending practices, but such control shall not include operation of the facility or assumption of business decisions of the facility.

(c) Paragraph (b) of this subsection does not apply to a person who has caused or contributed to the release or threatened release of a hazardous substance from the facility, nor does it apply to any person whom the department finds uses a security interest as a device to avoid liability under this chapter.

(8) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, unit of local government, federal government agency, or Indian tribe.

(9) "Potentially liable person" means any person whom the department finds, based on credible evidence, to be liable under section 4 of this act.

(10) "Release" means any intentional or unintentional entry of any hazardous substance into the environment, including but not limited to the abandonment or disposal of containers of hazardous substances. A release of a pesticide for which liability is exempted under section 4(3)(d) of this act shall not be considered hazardous unless, either alone or in conjunction with other releases, the release of the pesticide threatens human health or the environment.

(11) "Remedy" or "remedial action" means any action or expenditure consistent with the purposes of this chapter to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

NEW SECTION. Sec. 3. DEPARTMENT'S POWERS AND DUTIES. (1) The department may exercise the following powers in addition to any other powers granted by law:

(a) The department may conduct, provide for conducting, or require potentially liable persons to conduct remedial actions to remedy a release or threatened release of a hazardous substance. In carrying out such powers, the department's authorized employees, agents, or contractors or the employees, agents, or contractors of a potentially liable person acting under an approved settlement agreement may enter upon property. In conducting such remedial actions, the department may obtain information and access to property pursuant to section 11 of this act. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action.

(b) The department may carry out all state programs authorized under the federal cleanup law and the Federal Resource, Conservation, and Recovery Act, 42 U.S.C. Sec. 6901 et seq., as amended.

(c) The department may classify substances as hazardous substances for purposes of section 2(6) of this act and classify substances and products as hazardous substances for purposes of section 45 of this act.

(d) The department may take any other actions necessary to carry

out the provisions of this chapter, including the adoption of rules under chapter 34.04 RCW. The department may adopt emergency or interim rules where immediate promulgation of rules is necessary to implement this chapter prior to the adoption of final rules.

(e) Prior to adopting rules to carry out this chapter, the department shall facilitate discussions among persons interested in the rule-making and act to mediate differences among such persons in order to achieve to the maximum extent possible consent on the rules.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions were appropriate. Within nine months after the effective date of this section, the department shall adopt rules under chapter 34.04 RCW to:

(a) Establish criteria for determining priorities among hazardous substance sites. These criteria shall assure that sites are ranked by a system that objectively and numerically assesses the relative degree of risk at such sites; and

(b) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site.

(3) Before November 1st of each even-numbered year, the department shall develop, with public notice and hearing, and submit to the ways and means and appropriate standing environmental committees of the senate and house of representatives a ranked list of projects and expenditures recommended for appropriation from both the state and local toxics control accounts. The department shall also provide the legislature and the public each year with an accounting of the department's activities supported by appropriations from the state toxics control account, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its top two management priorities under RCW 70.105.150, and all funds expended under this chapter.

(4) The department shall establish a scientific advisory board to render advice to the department with respect to the hazard ranking system, cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the classification of substances as hazardous substances for purposes of substances or products as hazardous substances for purposes of section 2(6) of this act. The board shall consist of independent members representing varied interests. No members may be employees of the department. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

(6) The department, with the assistance of the department of revenue, shall by December 1, 1991, submit to the legislature a report on the status of the cleanup program authorized by this chapter to include at a minimum the following:

(a) The amount of tax and other revenues generated and anticipated to be generated to fund the program, with a recommendation, if any, for revision of the taxing mechanism;

(b) An accounting of all expenditures made pursuant to this chapter, including a description of remedial actions in progress; each program, activity or remedial action funded and the amount of funding provided; and

(c) Projections of the need for funds for future remedial actions.

NEW SECTION. Sec. 4. STANDARD OF LIABILITY. (1) Except as provided in subsection (3) of this section, the following persons are liable with respect to a facility:

(a) The owner or operator of the facility;

(b) Any person who owned or operated the facility at the time of disposal or release of the hazardous substance;

(c) Any person who owned or possessed a hazardous substance and who by contract, agreement, or otherwise arranged for disposal or treatment of the hazardous substance at the facility, or arranged with a transporter for transport for disposal or treatment of the hazardous substance at the facility, or otherwise generated hazardous waste disposed of or treated at the facility;

(d) Any person (i) who accepts or accepted any hazardous substance for transport to a disposal, treatment, or other facility selected by the person, from which facility there is a release or a threatened release for which remedial action is required, unless the facility, at the time of disposal or treatment, could legally receive the substance; or (ii) who accepts a hazardous substance for transport to such a facility and has reasonable grounds to believe that the facility is not operated in accordance with chapter 70.105 RCW; and

(e) Any person who both sells a hazardous substance and is responsible for written instructions for its use if (i) the substance is used according to the instructions and (ii) the use constitutes a release for which remedial action is required at the facility.

(2) Each person who is liable under this section is strictly liable, jointly and severally, for all remedial action costs at or associated with the facility and for all natural resource damages resulting from the releases or threatened releases of hazardous substances. The attorney general, at the request of the department, may recover all costs and damages from persons liable for them.

(3) The following persons are not liable under this section:

(a) Any person who can establish that the release or threatened release of a hazardous substance for which the person would be otherwise liable was caused solely by:

(i) An act of God;

(ii) An act of war; or

(iii) An act or omission of a third party (including but not limited to a trespasser) other than (A) an employee or agent of the person asserting the defense, or (B) any person whose act or omission occurs in connection with a contractual relationship existing, directly or indirectly, with the person asserting this defense to liability. This defense applies only where the person asserting the defense has exercised the utmost care with respect to the hazardous substance, the foreseeable acts or omissions of the third party, and the foreseeable consequences of those acts or omissions;

(b) Any person who is an owner, past owner, or purchaser of a facility and who can establish by a preponderance of the evidence that at the time the facility was acquired by the person, the person had no knowledge or reason to know that any hazardous substance, the release or threatened release of which has resulted in or contributed to the need for the remedial action, was released or disposed of on, in, or at the facility. This paragraph (b) is limited as follows:

(i) To establish that a person had no reason to know, the person must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property, consistent with good commercial or customary practice in an effort to minimize liability. Any court interpreting this paragraph (b) shall take into account any specialized knowledge or experience on the part of the person, the relationship of the purchase price to the value of the property if uncontaminated, commonly known or reasonably ascertainable information about the property, the obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate inspection;

(ii) The defense contained in this paragraph (b) is not available to any person who had actual knowledge of the release or threatened release of a hazardous substance when the person owned the real property and who subsequently transferred ownership of the property without first disclosing such knowledge to the transferee;

(iii) The defense contained in this paragraph (b) is not available to any persons who, by any act or omission, caused or contributed to the release or threatened release of a hazardous substance at the facility;

(c) Any person who uses a hazardous substance lawfully and without negligence for any personal or domestic purpose in or near a dwelling or accessory structure when that person is: (i) A resident of the dwelling; (ii) a person who assists the resident in the use of the substance; or (iii) a person who is employed or retained by the resident;

(d) Any person who, without negligence and in accordance with all federal and state laws, applies pesticides or fertilizers for any of the following purposes: (i) Producing any crops, farm animals, or any other farm product; (ii) growing Christmas trees; (iii) growing any nursery plant; or (iv) growing trees, including trees for the production of timber. This exemption also extends to any owner of land leased to such person and an

applicator with whom such person enters into a contract for the application of the pesticides or fertilizers, so long as the application is without negligence and is in accordance with all federal and state laws. This exemption does not apply to aquaculture; or

(e) Any person with respect to the release or threatened release of used motor oil collected by the person for recycling, if the oil (i) is not mixed with any other hazardous substance; and (ii) is collected, stored, and maintained by the person in compliance with all federal and state laws and without negligence. Unless the person has reason to believe the contrary, it shall be presumed that used motor oil that has been removed from a vehicle by the owner and delivered to the person for recycling has not been mixed with any other hazardous substance.

(4) Nothing in this chapter affects or modifies in any way any person's right to seek or obtain relief under other statutes or under common law, including but not limited to damages for injury or loss caused by a hazardous substance. No settlement by the department or remedial action ordered by a court or the department affects any person's right to obtain a remedy under common law or other statutes.

NEW SECTION. Sec. 5. PETROLEUM. (1) Petroleum, including crude oil or any fraction thereof, is covered only by the provisions of subsection (2) of this section and section 11(2) of this act, and by no other provisions of this chapter, unless:

(a) It is an extremely hazardous waste under chapter 70.105 RCW; or

(b) It is a hazardous substance under section 2(6)(c) or (e) of this act.

(2) The department may investigate, respond to, and order or initiate cleanup of spills, leaks, or discharges covered only by this subsection. The department may recover its costs incurred in exercising its powers under this section and any natural resource damages caused by the releases from any person owning or controlling the material released, or from any person otherwise responsible for the releases, and the persons are strictly liable, jointly and severally, for such costs and damages.

(3) This section expires on July 1, 1990, unless before that date legislation is enacted into law providing a comprehensive cleanup program for releases of petroleum (including crude oil or any fraction thereof) from storage tanks and specific funding sources for the program.

NEW SECTION. Sec. 6. CLEANUP STANDARDS. (1) The department shall select those actions that will attain a degree of cleanup that is protective of human health and the environment.

(2) Each remedial action approved by the department shall attain cleanup levels set by the department. Such levels shall include:

(a) With respect to each hazardous substance, a cleanup that, at a minimum, meets the substantive requirements of all applicable state and federal laws, regulations, and rules;

(b) With respect to hazardous substances for which no applicable state or federal law, regulation, or rule exists, the department shall set the cleanup level on a case-by-case basis in order to prevent potential harm to human health and the environment. In making this determination the department may refer to state and federal laws, regulations, rules, and criteria relevant and appropriate to this determination;

(c) With respect to each hazardous substance, where the proponents of a proposed remedial action demonstrate to the department by clear and convincing evidence that an alternative to cleanup levels established under (a) of this subsection would assure protection of human health and the environment, the department may allow a deviation from those cleanup levels.

NEW SECTION. Sec. 7. VOLUNTARY CLEANUPS. (1) Whenever the department has reason to believe that a release or threatened release of a hazardous substance will require remedial action, it shall notify potentially liable persons with respect to the release or threatened release, and provide them with a reasonable opportunity to propose a settlement agreement providing for remedial action. Whenever the department considers it to be in the public interest, the department shall expedite such an agreement with parties whose contribution of hazardous substances is insignificant in amount and toxicity.

(2) Within nine months after the effective date of this section, the department shall adopt rules under chapter 34.04 RCW to implement this section. At a minimum the rules shall:

(a) Provide procedures by which potentially liable persons may propose one or more remedial actions;

(b) Provide procedures for public notice and an opportunity to comment on proposed settlements;

(c) Establish reasonable deadlines and time periods for activities under this subsection; and

(d) Ensure that agreements providing for voluntary cleanups attain the cleanup levels required under section 6 of this act.

(3) Where the department and one or more potentially liable persons are unable to reach agreement for remedial action that will provide a final cleanup remedy, the persons may submit a final offer of a proposed settlement agreement, together with any material supporting the proposal. The department shall consider the offer and material submitted, as well as public comments provided on the offer, and shall issue a decision accepting or rejecting the offer. Where the department accepts the offer, it shall be entered as a consent decree pursuant to the procedures of subsection (5) of this section. Where the department rejects the offer, it shall state in writing its reasons for rejection. This review process shall not be considered a contested case for the purpose of the administrative procedure act, chapter 34.04 RCW.

(4) The person or persons proposing an agreement rejected by the department under subsection (3) of this section have a right to review only as provided in section 13 of this act.

(5) Where the department and potentially liable persons reach an agreement providing for voluntary remedial action, it shall be filed with the appropriate superior court as a proposed consent decree. The court shall allow at least thirty days for public comments before the proposed decree is entered, and the department shall file with the court any written comments received on the proposed decree.

(6) A person who has resolved its liability to the state under this section is not liable for claims for contribution regarding matters addressed in the settlement. The settlement does not discharge any of the other potentially liable persons, but it reduces the total potential liability of the others to the state by the amount of the settlement.

(7) The director may enter into a settlement agreement that requires the department to provide a specified amount of money from the state toxics control account to help defray the costs of implementing the plan. These funds may be provided only in circumstances where the director finds it would expedite or enhance cleanup operations or achieve greater fairness with respect to the payment of remedial action costs. In determining whether public funding will achieve greater fairness, the director shall consider the extent to which public funding will prevent or mitigate economic hardship. The director shall adopt rules providing criteria and priorities governing public funding of remedial action costs under this subsection. The amount of public funding in an agreement under this section shall be determined solely in the discretion of the director and is not subject to review. The department may recover the amount of public funding provided under this subsection from a potentially liable person who has not entered into a settlement agreement under this section or fulfilled all obligations under the agreement. For purposes of such a recovery action, the amount shall be considered as remedial action costs paid by the department.

NEW SECTION. Sec. 8. COVENANTS NOT TO SUE. (1) As a part of a settlement agreement accepted by the department, the director shall provide a covenant not to sue with respect to any remedial action that is required by the agreement and that will accomplish any of the following:

(a) Treatment of hazardous substances so as to destroy, eliminate, or permanently immobilize the hazardous constituents of the substances so that the substances, or any byproducts of the treatment or destruction process, no longer present any foreseeable future significant risk to human health or welfare or the environment; or

(b) When such destruction, elimination, or permanent immobilization is not practicable, the transportation of the hazardous substances from the site to an approved hazardous waste disposal facility meeting the requirements of the Federal Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6924 and 6925, as amended as of the effective date of this section, and, if the substances are disposed of in this state, the rules of the department adopted pursuant to chapter 70.105 RCW for permanent disposal facilities; or

(c) Cleanup levels that have been set only under section 6(2)(a) of this act.

(2) (a) As a part of a settlement agreement with the department, the

director may provide a covenant not to sue with respect to any remedial action if the cleanup levels have been established under section 6(2)(b) of this act, and if the covenant not to sue is determined by the director to be in the public interest.

(b) In making the determination of public interest the director shall consider the following factors:

(i) Whether the benefits from the expedition of the voluntary remedial action caused by the issuance of a covenant not to sue would exceed the potential future risk to human health and public finances caused by such issuance;

(ii) The nature of the risks that might remain at the facility;

(iii) The extent to which the remedial action is based on attainment of performance standards based on objective criteria for releases of substances to, or the presence of substances in, land, air, or water;

(iv) Whether the state toxics control account or sources of funding other than state general funds would be available for any additional remedial action that might eventually be necessary at the facility;

(v) Whether the monitoring and maintenance required at the site, if any, will protect human health and the environment; and

(vi) The extent to which the technology used in the remedial action is demonstrated to be effective.

(3) As a part of a settlement agreement with the department, the director may provide a covenant not to sue with respect to any remedial action taken if the cleanup level or levels have been established under section 6(2)(c) of this act and if:

(a) The director has determined that issuing the covenant is in the public interest as defined in subsection (2)(b) of this section;

(b) Compliance with the otherwise applicable standards is technically impracticable from an engineering perspective; and

(c) The remedial action provides optimum protection of human health and the environment.

(4) A "covenant not to sue" means a promise by the state of Washington, made with respect to a particular hazardous substance or a particular area, the cleaning up of which has been the purpose of a previous remedial action undertaken by the potentially liable person at the direction of the department and with the approval of the department. A covenant shall be commensurate with and strictly limited to the scope of the previous remedial action. In issuing the covenant, the state promises that, with respect to that substance or area, it will not initiate any future administrative or judicial action to force the potentially liable person to clean up, pay the expenses for cleaning up, conduct any investigations, or pay the expenses for any investigations. As used in this subsection, the word "investigations" does not include any monitoring or maintenance activities required under a covenant.

(5) A covenant may be issued with respect to all remedial actions included under a settlement agreement, or may be issued for one or more particular remedial actions included under a settlement agreement. If the remedial action is for cleaning up a particular hazardous substance, then the covenant does not extend to other hazardous substances. A covenant issued for a remedial action for cleaning up a particular hazardous substance shall contain an express reopener clause for the discovery of the release or threatened release of other hazardous substances.

(6) If the remedial action is for cleaning up a particular area, the covenant does not extend to other areas. Notwithstanding any other provision of this section, the issuance of a covenant for a particular area (as opposed to a covenant for a particular hazardous substance) is discretionary with the department, and shall only be issued for a remedial action that the department finds will ensure that (a) there will no longer be any foreseeable future risk in the area to human health or the environment and (b) all hazardous substances in the area are destroyed, eliminated, or permanently immobilized. In issuing an area covenant the department shall take special care to ensure that both the planned remedial action and its implementation conform to this chapter. A covenant issued for a particular area shall contain an express reopener clause for the discovery of the release or threatened release of hazardous substances outside such area. As used in this section, the term "particular area" means a precisely described three-dimensional area.

(7) The issuance of a covenant not to sue does not affect the power of the state to take whatever actions are necessary, other than those expressly barred by the covenant, to protect members of the public from

a health hazard, including, but not limited to, actions to prevent entrance upon the property, to prevent the use of the property for any purpose that exposes anyone to a health hazard, or to enter upon the property and take measures to clean up the hazardous substance. The issuance of a covenant does not affect any power of the state to institute or respond to any tort action or any other judicial or administrative action, so long as the state's action or response is not expressly barred by the covenant. With respect to any action filed against the state, a covenant does not bar the state from filing a cross-claim, counterclaim, or third party action against any person who may be liable or from seeking contribution from the person, so long as the damages or relief sought by the state in filing the cross-claim, counterclaim, or third party action is not expressly barred by the covenant.

(8) The director, with the concurrence of the attorney general, shall incorporate any covenant to be issued into the settlement agreement. The director's denial of a covenant meeting the requirements of subsection (1) of this section is reviewable under section 13 of this act. The director's denial of a proposed covenant under subsections (2) or (3) of this section is not subject to review. Any covenant not to sue shall be conditioned upon satisfactory performance of the settlement agreement and issuance of a certificate of completion pursuant to section 9 of this act. A covenant ceases to be conditional and becomes effective on the date of certification of completion of the agreement.

(9) If new information is revealed while implementing a settlement agreement, the potentially liable persons and the department may amend the agreement. If the new information reveals a significant quantity of a hazardous substance or condition not previously identified in the agreement as being present at the site, in an area of the site other than that described in the agreement, or in quantities significantly greater than as described in the agreement, then the agreement shall be amended. If a proposed amendment is to be incorporated into a final consent decree, public notice and opportunity to comment shall be allowed by the court prior to its entry in accordance with section 7(5) of this act. The department shall adopt rules providing a method for amending agreements. The existence of a covenant not to sue having conditional status pursuant to subsection (8) of this section neither bars amendments to settlements nor may be considered in deciding whether or not to amend settlements.

(10) A person receiving a covenant not to sue under this chapter is not relieved of any liability owed to persons, other than the state of Washington, under any federal, state, or local law, including the common law.

(11) Issuance of a covenant not to sue to a potentially liable person does not relieve or decrease any other person's liability to the state.

NEW SECTION. Sec. 9. CERTIFICATION OF COMPLETION. (1) Upon completion of all remedial actions called for in a settlement agreement, the parties to the agreement may apply for a certificate of completion from the department. The department shall provide notice of an application for certification of completion to interested persons and the public. The notice shall include a brief analysis of the application and indicate where additional information may be obtained. Public comment shall be accepted for a minimum of forty-five days from the date of the notice.

(2) The director shall grant or deny an application for certification of completion within ninety days of the application. If the director finds that the remedial action has been fully implemented, the director shall approve an application for certification of completion.

NEW SECTION. Sec. 10. REMEDIAL ACTION CONTRACTOR LIABILITY. (1) A person who is a remedial action contractor, or a person employed by any public body who provides services relating to remedial action, and who is working within the scope of the person's employment with respect to any release or threatened release of a hazardous substance from a facility, is not liable under this chapter, under any other state or local law, or under common law to any person for injuries, costs, damages, expenses, or other liability, including, but not limited to, claims for indemnification or contribution, and claims by third parties for death, personal injury, illness, or loss of or damage to property or economic loss, that result from the release or threatened release. This subsection does not apply in the case of a release or threatened release that is caused by conduct of the remedial action contractor that is negligent, grossly negligent, or that constitutes intentional misconduct.

(2) Nothing in this section affects the liability of any person under any

warranty under state law, or the liability of an employer who is a remedial action contractor to any employee of such employer under any provision of law.

(3) The director may agree to hold harmless and indemnify any remedial action contractor meeting the requirements of this section against any liability, including the expenses of litigation or settlement, for negligence arising out of the contractor's performance in carrying out remedial action activities under this chapter, unless the liability was caused by conduct of the contractor that was grossly negligent or that constituted intentional misconduct. Indemnification under this subsection applies only to remedial action contractor liability that results from a release or threatened release of a hazardous substance if the release arises out of remedial action activities. An indemnification agreement under this subsection shall include deductibles and shall place limits on the amount of indemnification to be made available.

(4) The exemption provided under subsection (1) of this section and the authority of the director to offer indemnification under subsection (3) of this section do not apply to any person liable under section 4(1) of this act.

(5) A person retained or hired by a potentially liable person is eligible for consideration for indemnification under subsection (3) of this section only if the remedial action is being implemented under an approved settlement agreement.

NEW SECTION. Sec. 11. INVESTIGATION AND ACCESS. (1)(a) If there is a reasonable basis to believe there may be a release or threatened release of a hazardous substance, the director may require information or documents relevant to that release or threatened release from a person who has or may have information relevant to (i) the identification, nature, and volume of materials generated, treated, stored, transported to, or disposed of at a facility and the dates thereof, (ii) the nature or extent of a release or threatened release of a hazardous substance at or from a facility, (iii) the identity of potentially liable persons, or (iv) information relating to the ability of a person to pay for or perform a remedial action. The department may subpoena witnesses, documents, and other information that the department deems necessary. In case of a refusal to obey such a subpoena, the superior court for any county in which the person is found, resides, or transacts business has jurisdiction to issue an order requiring the person to appear before the department and give testimony or produce documents. Any failure to obey such order of the court may be punished by the court as contempt.

(b) Where there is a reasonable basis to believe there may be a release or threatened release of a hazardous substance, the department, its authorized employees, agents, or contractors, or the employees, agents, or contractors of a potentially liable person acting under an approved settlement agreement, upon reasonable notice may enter upon any real property, public or private, to conduct sampling, inspection, examination, and investigation directed at evaluating the release or threatened release and determining the need, if any, for remedial action. In the event of an emergency, no notice need be provided. In conducting those activities, the department or other person gaining access under this section shall take all feasible precautions to avoid disrupting the ongoing operation on the site. The department or other person gaining access under this section shall provide to the owner, operator, or person in charge of the facility, if requested, a portion of each sample taken equal in volume or weight to the portion retained. If any analysis is made of the samples, a copy of the results of the analysis shall be furnished promptly to the owner, operator, or person in charge as well as to representatives of the public and other interested persons.

(2)(a) If the director determines that: (i) An emergency exists that requires immediate action to protect human health or the environment, and (ii) the owner or operator is unwilling or unable to take such immediate action, the department, its authorized employees, agents, or contractors, or the employees, agents, or contractors of a potentially liable person acting under departmental approval may without court order enter upon property, public or private, or take such remedial action as is necessary to abate the emergency.

(b) If the potentially liable person fails to implement a settlement or if no settlement has been achieved, or for the purpose of carrying out section 5(2) of this act, the director may determine, in accordance with the procedures set forth in this section, that action to respond to a release

or threatened release of hazardous substances is necessary and that entry upon real property, public or private, is necessary to execute remedial action. Such entry may be made by the department, its authorized employees, agents, or contractors, or the employees, agents, or contractors of a potentially liable person acting under an approved settlement agreement. The director's determination shall be based upon inspection, study, or other data as may be available, shall be made in writing, and shall be available for public inspection and copying. The department shall supply the person owning, operating, or in charge of the property concerned, as well as all potentially liable persons with (i) a written document detailing the director's determination and the basis for the determination, (ii) a notice that remedial action and entry upon property shall proceed in no fewer than sixty days, and (iii) a request for a prompt response. The director shall confer with any person responding to receipt of service of the director's determination in order to accommodate that person's legitimate concerns while obtaining prompt and necessary remedial action.

(c) The department, with the assistance of the attorney general's office, may apply to superior court for an order authorizing entry upon real property to execute remedial action. The department's application shall (i) state that the notice procedures required in this section have been carried out, (ii) describe the property concerned, and (iii) describe the remedial action selected by the director and the schedule for remedial action. If, after a hearing, the superior court finds that the department's application and supporting materials establish that the department has made a reasonable attempt to accommodate any responding party's legitimate concerns, the superior court shall enter an order authorizing entry upon real property to execute remedial action.

(d) In such proceedings authorized by this subsection, the court may not review (i) the director's determination that remedial action is necessary, that the entry upon real property is necessary, or the basis for such decisions; or (ii) any response by the director to the potentially liable person's concerns.

(3) The court may not enjoin or otherwise delay any remedial action deemed necessary by the director unless the superior court finds that the person lacks any adequate remedy at law.

NEW SECTION. Sec. 12. ENFORCEMENT. (1) Whenever, in the opinion of the director, a person (a) is potentially liable for a release or threatened release of a hazardous substance, (b) has been notified of its potential liability, but (c) either (i) has not submitted a proposed settlement or (ii) has submitted a proposed settlement, the department has rejected the proposal, and, if appealed, the denial has been affirmed by the superior court, then the director may seek appropriate injunctive or other judicial relief by filing an action in Thurston county superior court or issue such order as the director deems appropriate and serve the person with the order personally or by certified mail.

(2) Whenever the director determines that there exists an imminent danger that requires immediate remedial action to protect human health or the environment, the director may seek such injunctive relief or issue an order without prior notice or opportunity to submit a proposed settlement agreement.

(3) The director may bring an action in Thurston county superior court (a) against any potentially liable person who, without sufficient cause, fails to comply with an order issued under subsection (1) or (2) of this section to enforce the order, or (b) against any liable person to collect remedial action costs incurred by the department.

(4) In any action brought under subsection (3) of this section, the person, if liable, is responsible for:

(a) If the failure to comply with an order is willful, up to three times the amount of any remedial action costs incurred by the state as a result of the party's refusal to comply; and

(b) A civil penalty of up to ten thousand dollars for each day the party refuses to comply.

(5) The director may bring an action in Thurston county superior court to establish and collect a civil penalty for which a person is liable under section 17 of this act.

(6) Any potentially liable person who receives and complies with the terms of an order issued under this section may, within sixty days after completion of the required action, petition the director for reimbursement for any costs of the action for which the person is not liable. If the director refuses to grant all or part of the reimbursement sought, the petitioner

may, within thirty days of the date of the refusal, file an action against the department in Thurston county superior court seeking reimbursement. The judicial review shall be de novo, and the burden is on the department to establish liability.

(7) Before conducting a remedial action, the department may:

(a) Prepare a proposed scope of work based on any investigation or study conducted by or for the department, the potentially liable persons, or others;

(b) Provide the identified potentially liable persons and members of the public with notice of the proposed remedial action and an opportunity to comment on the scope of work proposed;

(c) Prepare a final scope of work based on the comments received and any other study or investigation conducted by or for the department.

(8) The proposed and final scope of work and the basis for them as well as all comments received by the department constitute the record of decision of the department.

(9) Where the department has developed a record of decision for a remedial action and the department has conducted the remedial action in accordance with the record, in any action brought to recover costs, the scope of work of the department shall be presumed reasonable and necessary unless demonstrated to be arbitrary and capricious.

NEW SECTION. Sec. 13. REVIEW OF ECOLOGY DECISIONS. (1) The decisions of the department under this chapter are reviewable only as provided in this section or section 14 of this act.

(2) (a) A potentially liable person aggrieved by a department decision to deny a final offer of a proposed settlement may obtain review by filing a petition in the Thurston county superior court within ten days of receipt of that decision and serving a copy of that petition on the department. The review shall be based upon the administrative record which shall consist of the final offer of proposed settlement, the material submitted in support of that offer, all comments provided on the proposed settlement, the department's response, and all material relied on by the department in making its decision. The department's decision shall not be reversed unless it is clearly erroneous. The court shall hold a hearing upon such petition within thirty days after the department certifies the record to the court. Any person potentially aggrieved may intervene in the review proceeding under this subsection.

(b) If the potentially liable person appeals a superior court decision affirming the decision of the department, then, during the pendency of the appeal, no court may stay or otherwise delay any enforcement order issued or remedial action undertaken by the department.

(3) Any investigative or remedial action decision of the department or decision identifying potentially liable persons is reviewable exclusively in superior court as follows:

(a) In a cost recovery action pursuant to section 4 or 12 of this act;

(b) In a judicial action by the department to compel remedial action pursuant to section 12 of this act;

(c) In an action by a potentially liable person for reimbursement pursuant to section 12 of this act; or

(d) In an action by the department to establish and collect a civil penalty under section 12 of this act.

(4) Any person aggrieved by the granting or denial of a certificate of completion pursuant to section 9 of this act may file a petition for review pursuant to the administrative procedure act, chapter 34.04 RCW, of that decision in Thurston county superior court within thirty days of the department's decision.

NEW SECTION. Sec. 14. THIRD PARTY ACTIONS. (1) Any person may commence a civil action to compel the department to perform any nondiscretionary duty under this chapter. At least thirty days before commencing the action, the person must give notice of intent to sue, unless a substantial endangerment to health or the environment exists.

(2) Any person aggrieved by an action or inactions of a potentially liable person that may result in a release of a hazardous substance that presents an imminent and substantial endangerment to health or the environment may commence a civil action to compel the potentially liable person to comply with this chapter. Before any action may be commenced, the person aggrieved shall mail by certified mail a notice of intent to sue to the director. The director shall be allowed thirty days to negotiate or mediate a resolution to the dispute before any action may be filed.

(3) Any person aggrieved by the release or threatened release of a

hazardous substance may commence a civil action against any person who fails to comply with an approved settlement agreement to compel compliance with the agreement.

(4) No action may be commenced under subsection (2) or (3) of this section where:

(a) The department is diligently prosecuting a judicial action or pursuing administrative action under this chapter to force a potentially liable person to respond to the release or threatened release of hazardous substances under this chapter; or

(b) The department is diligently pursuing remedial action against the release of the hazardous substance.

(5) Civil actions under this section may be brought in the superior court of Thurston county or of the county in which the release or threatened release exists.

(6) Nothing in this chapter affects or impairs any person's right under any other statute or under common law to commence a civil action relating to hazardous substances.

NEW SECTION. Sec. 15. LIENS. (1) Any liability to the state under this chapter constitutes a debt to the state. Any such debt constitutes a lien, in favor of the state, on all real property on which the remedial action was conducted.

(2) The lien imposed by this section arises at the time costs are first incurred by the state with respect to a remedial action under this chapter.

(3) The department shall file a statement of claim, describing the property subject to the lien, in the appropriate office as designated by state law. The lien continues until the liability for the costs have been satisfied. Any lien filed pursuant to this section shall be subject to the rights of any purchaser, holder of a security interest, or judgment lien creditor whose interest is perfected in accordance with law before notice of the state lien is filed.

NEW SECTION. Sec. 16. PROPERTY—RECORDS—SALE. (1) The owner of public or private nonresidential real property upon which a release of a significant quantity of a hazardous substance has been found by the department to have occurred shall place a notice in the records of real property kept by the auditor of the county in which the property is located. The notice shall: (a) identify the property; (b) identify the owner of the property and the person causing the notice to appear; (c) state that a release of a hazardous substance occurred on the property; (d) state the date the release occurred; and (e) direct further inquiries to the department. The department shall maintain records that identify the remedial action taken and the hazardous substance or substances released for each remedial action that has been conducted or approved by the department. Any person with an interest in the property, injured by the failure of a property owner to comply with this section, may recover damages for that injury by filing an action in superior court for the county in which the release occurred.

(2) Where the department has discovered the release of a significant quantity of a hazardous substance following an inspection of the facility, the department shall place a notice having the contents of the notice referred to in subsection (1) of this section in the records of real property kept by the auditor of the county in which the property is located.

(3) Any certification of completion issued in accordance with section 9 of this act shall be promptly filed with the records of real property kept by the auditor of the county in which the property is located and shall identify the property, the owner of the property, the date of issuance of the certificate, and the date the release occurred.

(4) Before selling any right, title, or interest in real property, whether public or private, the seller of the property shall provide a written statement to the purchaser describing any release of a significant quantity of a hazardous substance that the seller knows to have occurred during the prior twenty years on the property to be sold. Unless otherwise expressly agreed by seller and purchaser, any purchaser injured by failure of a seller of real property to provide the statement as required in this subsection may recover damages for that injury by filing an action in superior court for the county in which the property is located.

(5) The department shall determine by rule, consistent with the purposes of this chapter, which releases are subject to the reporting and notification requirements under subsections (1), (2), and (4) of this section. This rule shall limit required reporting under this section to those releases

that are of a magnitude that would cause a significant adverse impact to human health or the environment.

NEW SECTION. Sec. 17. FRAUD. If a potentially liable party commits fraud on the department or another potentially liable party in a proposed settlement agreement, in a request for a covenant not to sue, or in an application for a certificate of completion, then any limitation on liability or covenant not to sue otherwise provided is void, and the injured person, including the state of Washington, may recover actual damages sustained and a civil penalty of up to ten thousand dollars.

NEW SECTION. Sec. 18. PESTICIDE WASTE DISPOSAL. The director of the department of agriculture may adopt rules to allow the department of agriculture to take possession and dispose of canceled, suspended, or otherwise unusable pesticides held by persons regulated under chapter 17.21 RCW. For the purposes of this section, the department may become licensed as a hazardous waste generator.

The director of agriculture shall develop the necessary administrative structure to implement a pesticide waste disposal program. Issues to be addressed shall include, but are not limited to: Collection site acquisition, liability and insurance, transportation to the collection site and to ultimate disposal sites, licensure and regulatory compliance, volume of material to be disposed of, education as to legal use as an alternative to disposal, container disposal, and analysis of unknown presumed pesticide. In implementing the provisions of this section, the department of agriculture may charge fees of persons disposing of pesticide wastes to offset wholly or partially the program authorized by this section.

NEW SECTION. Sec. 19. HOUSEHOLD WASTE DISPOSAL. The director of the department of ecology may adopt rules to allow the department to take possession and dispose of household hazardous wastes.

The director of ecology shall assist local governments with implementation of household hazardous waste (moderate risk wastes) collection and disposal plans under RCW 70.105.220. The department shall provide technical assistance to facilitate collection site identification, acquisition of insurance, transportation to the collection site and to ultimate disposal sites, licensure and regulatory compliance, assessment of volume of material to be disposed of, education as to legal use as an alternative to disposal, container disposal, analysis of unknown presumed household hazardous wastes and other assistance the department deems appropriate. The department shall provide grants to local governments to implement household hazardous waste disposal and collection plans required under RCW 70.105.220.

In implementing the provisions of this section, the department or local governments may charge fees of persons disposing of household hazardous waste to offset wholly or partially the programs authorized by this section.

NEW SECTION. Sec. 20. BUSINESS ASSISTANCE PROGRAM. The department of ecology shall contract with a nonprofit organization to establish a "pollution prevention pays" program for the purpose of promoting hazardous waste reduction and recycling. The program shall provide technical assistance to businesses that generate hazardous waste, which shall consist of: (1) A library and bibliography of literature detailing methods of waste reduction and recycling, including an in-house data base consisting of case studies, program publications, and contacts; (2) a waste reduction and recycling hotline; (3) onsite consultations for generators of hazardous wastes; and (4) an educational outreach program.

NEW SECTION. Sec. 21. HAZARDOUS SUBSTANCES CONFISCATED BY LAW ENFORCEMENT AGENCIES. (1) The director of the department of ecology shall arrange for the collection of hazardous substances confiscated by law enforcement agencies pursuant to chapter 69.50 RCW or may provide financial assistance to law enforcement agencies for the disposal of such substances.

(2) The director of the department of ecology may adopt rules to allow the department to take possession and dispose of hazardous substances confiscated by law enforcement agencies under chapter 69.50 RCW.

(3) Any person convicted of a crime under chapter 69.50 RCW involving hazardous substances confiscated by a law enforcement agency may upon conviction, be assessed by the sentencing court with the costs of the disposal. Any money collected pursuant to this subsection shall not be subject to deposit in the public safety and education account. The department of ecology may seek reimbursement for the department's

contributions to the cost of disposal from the moneys collected from such convicted person.

NEW SECTION. Sec. 22. TOXICS CONTROL ACCOUNTS. (1) The state toxics control account and the local toxics control account are created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Forty-seven percent of those revenues that are raised by the tax imposed under section 46 of this act; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW after the effective date of this section; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature.

(3) Moneys in the state toxics control account shall be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW, including, but not limited to, programs for collection and disposal of household hazardous waste under chapter 70.105 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(c) The hazardous waste cleanup program required under this chapter;

(d) State matching funds required under the federal cleanup law;

(e) Financial assistance for local programs in accordance with RCW 70.95.130, 70.95.220, 70.95.530, 70.105.220, 70.105.225, 70.105.235(1) (a), (b), and (c), and 70.105.260;

(f) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(g) Hazardous materials emergency response training;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70.146 RCW;

(j) A public participation program, including a grant program;

(k) Public funding to assist potentially liable persons to pay for the costs of remedial action;

(l) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150,

(m) Disposal of law enforcement agency drug related confiscations as required in section 21 of this act.

(4) Fifty-three percent of those revenues that are raised by the tax imposed under section 46 of this act shall be deposited into the local toxics control account. Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments to carry out the following purposes in descending order of priority:

(a) Remedial actions for public or private facilities used primarily for the disposal of municipal solid waste that are on the hazard ranking list; (b) hazardous waste plans and programs under RCW 70.105.220, 70.105.225, 70.105.235(1) (a), (b), and (c), and 70.105.260, including, but not limited to, programs for collection and disposal of household hazardous waste under chapter 70.105 RCW; (c) solid waste plans and programs under RCW 70.95.130 and 70.95.220; and (d) solid waste disposal and management facilities, meaning facilities or systems owned or operated by local governments for the purpose of controlling, collecting, storing, treating, disposing, recycling, or recovery of solid wastes and including any equipment, structures, or property incidental to that purpose. However, the term does not include the acquisition of equipment used to collect residential or commercial garbage. In carrying out these priorities, the department shall ensure that moneys are made available to the maximum extent practicable to fund remedial actions.

(5) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute. All earnings from investment of balances in the accounts, except as provided in RCW 43.84.090, shall be credited to the accounts.

(6) When making grants or loans to local governments for assistance

under this chapter, the department shall consider the following:

(a) The protection of public health;

(b) The cost to residential ratepayers without state assistance; and

(c) Actions required under federal and state permits, enforcement orders, and consent decrees.

(7) The department shall develop specific matching requirements for assisting local governments in the funding of remedial actions, hazardous and solid waste plans and programs, and solid waste disposal and management facilities. Funds for hazardous and solid waste plans and programs shall be allocated consistently with the priorities established in chapters 70.95 and 70.105 RCW.

(8) One percent of the moneys deposited in the state and local toxics control accounts shall be allocated only for public participation grants. The department may provide public participation grants to groups of fifty or more persons who may be adversely affected by a release or threatened release of a hazardous substance and who petition the department for the grants. Grant moneys may be used only for the purposes of obtaining technical assistance in interpreting information with regard to the nature of the hazard, remedial investigation and feasibility study, record of decision, remedial design, selection and construction of remedial action, operation and maintenance, or removal at such facility. Each grant recipient shall be required, as a condition of the grant, to contribute funds equal to at least twenty percent of the grant amount and to commit such contributed funds toward the purposes for which the grant is made. Grants shall not exceed fifty thousand dollars for any one hazardous waste site, but the grant may be renewed to facilitate public participation at all stages of remedial action. All funds appropriated for public participation grants that remain unspent at the end of the biennium for which the appropriations are made revert to the state toxics control account.

NEW SECTION. Sec. 23. TOXICS CONTROL RESERVE ACCOUNT.

(1) The toxics control reserve account is created in the state treasury. Money in the account shall be used solely for remedying releases or threats of releases of hazardous substances by the state at sites for which a covenant not to sue has been entered into by the state. Money deposited in the account shall be administered by the department and is subject to legislative appropriation. All earnings from investment of balances in the toxics control reserve account, except as provided in RCW 43.84.090, shall be credited to the account.

(2) Beginning on July 1, 1988, and on July 1st of each year thereafter, the state treasurer shall transfer one and one-half million dollars from the state toxics control account and one and one-half million dollars from the local toxics control account to the toxics control reserve account. This subsection applies only if on July 1st the balance in the reserve account is less than twenty million dollars.

(3) After the reserve account balance first reaches twenty million dollars, the treasurer shall on July 1st of each year thereafter transfer equal amounts from the state toxics control account and the local toxics control account sufficient to bring the balance in the reserve account to twenty million dollars, but the contribution from each account shall not exceed one and one-half million dollars in any one year.

NEW SECTION. Sec. 24. EXISTING AGREEMENTS. The consent orders and decrees in effect on the effective date of this section shall remain valid and binding.

NEW SECTION. Sec. 25. EXEMPTION FROM PERMITS. A person conducting remedial action under an approved settlement agreement or the department conducting remedial action is exempt from the procedural and substantive requirements of state and local laws that would otherwise apply to the remedial action, including those requirements imposed by chapters 70.94, 70.105, 90.03, 90.44, and 90.58 RCW.

NEW SECTION. Sec. 26. APA EXEMPTION. A new section is added to chapter 34.04 RCW to read as follows:

This chapter shall not apply to review of final settlement offers under section 13 of this act.

NEW SECTION. Sec. 27. SEPA EXEMPTION. A new section is added to chapter 43.21C RCW to read as follows:

The detailed statement and other procedural requirements of this chapter are not applicable to remedial action by the state or authorized or ordered by the state under chapter 70.____ RCW (sections 1 through 25 of this act).

NEW SECTION. Sec. 28. EXEMPTION FROM PERMITS. A new section is added to chapter 70.94 RCW to read as follows:

A person conducting a remedial action pursuant to an approved settlement agreement or the department undertaking a remedial action under chapter 70.____ RCW (sections 1 through 25 of this act) is exempt from the procedural and substantive requirements of this chapter.

NEW SECTION. Sec. 29. EXEMPTION FROM PERMITS. A new section is added to chapter 70.105 RCW to read as follows:

A person conducting a remedial action pursuant to an approved settlement agreement or the department conducting a remedial action under chapter 70.____ RCW (sections 1 through 25 of this act) is exempt from the procedural and substantive requirements of this chapter.

NEW SECTION. Sec. 30. EXEMPTION FROM PERMITS. A new section is added to chapter 90.03 RCW to read as follows:

A person conducting a remedial action pursuant to an approved settlement agreement or the department conducting a remedial action under chapter 70.____ RCW (sections 1 through 25 of this act) is exempt from the procedural and substantive requirements of this chapter.

NEW SECTION. Sec. 31. EXEMPTION FROM PERMITS. A new section is added to chapter 90.44 RCW to read as follows:

A person conducting a remedial action pursuant to an approved settlement agreement or the department conducting a remedial action under chapter 70.____ RCW (sections 1 through 25 of this act) is exempt from the procedural and substantive requirements of this chapter.

NEW SECTION. Sec. 32. EXEMPTION FROM PERMITS. A new section is added to chapter 90.48 RCW to read as follows:

A person conducting a remedial action pursuant to an approved settlement agreement or the department conducting a remedial action under chapter 70.____ RCW (sections 1 through 25 of this act) is exempt from the procedural and substantive requirements of this chapter.

NEW SECTION. Sec. 33. EXEMPTION FROM PERMITS. A new section is added to chapter 90.58 RCW to read as follows:

A person conducting a remedial action pursuant to an approved settlement agreement or the department conducting a remedial action under chapter 70.____ RCW (sections 1 through 25 of this act) is exempt from the procedural and substantive requirements of this chapter.

NEW SECTION. Sec. 34. TOXIC ENDANGERMENT. A new section is added to chapter 9A.36 RCW to read as follows:

(1) A person is guilty of toxic endangerment if he or she:

(a) Knowingly transports, treats, stores, handles, disposes of, or exports a hazardous substance or toxin in violation of state law; and
(b) Knows that such conduct places another person in imminent danger of death or serious bodily injury.

(2) As used in this section, "imminent danger" means that there is a substantial likelihood that harm will be experienced within a reasonable period of time if the danger is not eliminated.

(3) Toxic endangerment is a class B felony.

NEW SECTION. Sec. 35. It is the intent of the legislature in enacting sections 35 through 43 of this act to provide the department of ecology with the necessary resources to adequately administer water quality discharge permits issued by the state. In doing this, the legislature intends to improve water quality state-wide by enhancing the ability of the department of ecology to adequately inspect dischargers into state ground and surface waters and implement water pollution control laws. Further, the legislature intends also to improve water quality through better control of toxicants.

NEW SECTION. Sec. 36. Beginning in fiscal year 1989, the department shall recover its administrative expenses for operating all aspects of its water quality discharge permit system except adjustments specified in section 38 of this act and those expenses that are directly related to enforcement by implementing a system to collect fees from persons holding state and federal waste discharge permits. The total amount of fees collected under this chapter in any fiscal year shall not exceed three million six hundred thousand dollars. Accordingly, for purposes of sections 37 through 41 of this act, "administrative expenses" means the costs incurred by the department in:

- (1) Processing permit applications and modifications;
- (2) Monitoring and evaluating compliance with permits;
- (3) Conducting inspections;
- (4) Securing laboratory analysis of samples taken during inspections;

(5) Reviewing required plans and documents directly related to operations of permittees;

(6) Monitoring compliance with delegated pretreatment programs; and

(7) Supporting the overhead expenses that are directly related to each of the preceding activities.

Administrative expenses shall not include costs related to processing of penalties and notices of violation, inspections that extend beyond routine compliance monitoring, criminal investigations, or the overhead expenses that are directly related to these activities.

NEW SECTION. Sec. 37. (1) The department shall establish an initial fee schedule to be implemented on July 1, 1988.

(2) Except as provided in section 38 of this act, beginning on July 1, 1988, the department shall charge any person or entity holding a permit under RCW 90.48.160, 90.48.162, or 90.48.260, annual fees to recover administrative expenses as defined in section 36 of this act. In no event may the fee for any permit authorizing the discharge of eight hundred gallons or less in any one day exceed one hundred and fifty dollars for any fiscal year. This fee limit shall be periodically adjusted by the department to reflect inflation.

(3) The department shall establish an accounting mechanism to relate administrative expenses incurred in performing activities described in section 36 of this act with fees charged to persons or entities holding permits by January 1, 1989.

(4) The department shall submit a report to the appropriate standing committees of the legislature on January 1, 1991, and biennially thereafter describing the actions it has taken over the prior biennium to improve the administrative efficiency of its water quality permit system.

NEW SECTION. Sec. 38. Fees charged pursuant to section 37 of this act shall be subject to the following conditions:

(1) The department shall consider the economic impact of fees on small dischargers and shall provide appropriate adjustments.

(2) The department shall ensure that indirect dischargers do not pay twice for the administrative expenses of a permit. Accordingly, the department shall not assess fees for permits issued by a city, town, or municipal corporation under RCW 90.48.165.

(3) The department shall review applications for credits from any public entity engaging in comprehensive monitoring programs and shall approve or deny such applications, in whole or in part, before assessing permit fees. Credits shall be granted in accordance with a schedule adopted by the department by rule and shall not exceed twenty-five percent of the permit fee assessed over the five-year period of the permit. The total amount of credits granted for the five-year period beginning July 1, 1988, shall not exceed fifty thousand dollars. Permit fee credits granted by the department shall not be recoverable from the water quality permit account.

NEW SECTION. Sec. 39. All fees collected under section 37 of this act shall be deposited in the water quality permit account, which is hereby created in the state treasury, subject to appropriation. Money in the account collected from fees shall be expended exclusively by the department of ecology for the purposes of administering permits issued by the department under RCW 90.48.160, 90.48.162, and 90.48.260. Other funds deposited into this account may be used for the purposes of this chapter.

NEW SECTION. Sec. 40. (1) The department of ecology shall submit a report to the appropriate standing committees of the legislature no later than January 1, 1989. The report shall include a fee schedule proposed for use in fiscal years 1990 and beyond. The legislature shall evaluate this report in determining whether to change the revenue limit specified in section 36 of this act.

(2) In developing the fee schedule, the department shall consult with and be advised by representatives of dischargers, environmental organizations, other state agencies, and other interested parties. The advice received by the department shall be included in the report. The report shall also include a projection of the level of fees necessary to adequately operate the program.

NEW SECTION. Sec. 41. (1) In determining requirements for monitoring the condition of the waters of the state and of effluent discharged therein to be included in each permit issued by the department under RCW 90.48.160, 90.48.162, and 90.48.260, the department shall ensure

that all such monitoring requirements are reasonably related to: (a) Determining compliance with the permit; (b) attaining all known, available, and reasonable treatment; or (c) determining what effects the discharge from the specific facility may have on the waters of the state or the biota or sediment in the waters of the state.

(2) Monitoring activities required pursuant to subsection (1) (c) of this section shall be structured so that, if monitoring is conducted within the terms of the permit, after an appropriate period of time, the permittee may request that the department reduce the monitoring schedule and/or scope. If in the determination of the department the results of the monitoring identify no measurable adverse effects or potential adverse effects to the waters of the state or biota or sediment in the waters of the state, then a reduced schedule and/or scope shall apply. If monitoring identifies measurable adverse effects or potential adverse effects of the discharge from the specific facility on the waters of the state or biota or sediment of the waters of the state, continued, more frequent, and/or more comprehensive monitoring shall be required by action of the department. The department may allow coordinated monitoring activities where discharges from multiple persons or entities holding permits may be causing cumulative effects and where cost savings will result from such coordination.

(3) A permit may be modified during its term to revise monitoring requirements pursuant to the applicable federal requirements or if monitoring methods or approaches become available that might reasonably be expected to measure adverse effects to the waters of the state or biota or sediment in the waters of the state.

Sec. 42. Section 4, chapter 249, Laws of 1985 and RCW 90.48.460 are each amended to read as follows:

Until June 30, 1988, the department of ecology shall collect administrative expenses from any person or entity requesting action of the department pertaining to the processing of applications for permits provided in RCW 90.48.160, 90.48.162, and 90.48.260. For the purposes of this section, "administrative expenses" shall mean the total actual costs incurred by the department in processing such permit applications.

Sec. 43. Section 4, chapter 71, Laws of 1955 as last amended by section 138, chapter 109, Laws of 1987 and RCW 90.48.190 are each amended to read as follows:

A permit shall be subject to termination upon thirty days' notice in writing if the department finds:

(1) That it was procured by misrepresentation of any material fact or by lack of full disclosure in the application;

(2) That there has been a violation of the conditions thereof;

(3) That a material change in quantity or type of waste disposal exists; or

(4) That an applicant or permittee has failed to pay required fees under RCW 90.48.460 or section 37 of this act.

NEW SECTION. Sec. 44. INTENT OF HAZARDOUS SUBSTANCE TAX. It is the intent of this chapter to impose a tax only once for each hazardous substance possessed in this state and to tax the first possession of all hazardous substances, including substances and products that the department of ecology determines to present a threat to human health or the environment. This chapter is not intended to exempt any person from tax liability under any other law.

NEW SECTION. Sec. 45. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Hazardous substance" means:

(a) Any substance that, on the effective date of this section, is a hazardous substance under section 101(14) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9601(14), as amended by Public Law 99-499;

(b) Petroleum products;

(c) Any pesticide product required to be registered under the Federal Insecticide, Fungicide and Rodenticide Act; and

(d) Any other substance, category of substance, and any product or category of product determined by the director of ecology by rule to present a threat to human health or the environment if released into the environment. The director of ecology shall not add or delete substances from this definition more often than twice during each calendar year. For tax purposes, changes in this definition take effect on the first day of the next month that is at least thirty days after the effective date of the rule.

The word "product" or "products" as used in this paragraph (d) means an item or items containing both: (i) One or more substances that are hazardous substances under (a), (b), or (c) of this subsection or that are substances or categories of substances determined under this paragraph (d) to present a threat to human health or the environment if released into the environment; and (ii) one or more substances that are not hazardous substances. Until April 1, 1988, "hazardous substance" does not include substances or products packaged as a household product and distributed for domestic use.

(2) "Petroleum product" means plant condensate, lubricating oil, gasoline, aviation fuel, kerosene, diesel motor fuel, benzol, fuel oil, residual oil, liquefied or liquefiable gases such as butane, ethane, and propane, and every other product derived from the refining of crude oil, but the term does not include crude oil.

(3) "Possession" means the control of a hazardous substance located within this state and includes both actual and constructive possession. "Actual possession" occurs when the person with control has physical possession. "Constructive possession" occurs when the person with control does not have physical possession. "Control" means the power to sell or use a hazardous substance or to authorize the sale or use by another.

(4) "Previously taxed hazardous substance" means a hazardous substance in respect to which a tax has been paid under this chapter and which has not been remanufactured or reprocessed in any manner (other than mere repackaging or recycling for beneficial reuse) since the tax was paid.

(5) "Wholesale value" means the price paid by a wholesaler or retailer to a manufacturer or the price paid by a retailer to a wholesaler when the price represents the value at the time of first possession in Washington state. In cases where no sales transaction has occurred, "wholesale value" means the fair market wholesale value, determined as nearly as possible according to the wholesale selling price at the place of use of similar substances of like quality and character, in accordance with rules of the department.

(6) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

NEW SECTION. Sec. 46. HAZARDOUS SUBSTANCE TAX. (1) A tax is imposed on the privilege of possession of hazardous substances in this state. The rate of the tax shall be eight-tenths of one percent multiplied by the wholesale value of the substance.

(2) Moneys collected under this chapter shall be deposited in the toxics control accounts under section 22 of this act.

(3) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter. The department may adopt rules to ensure that taxes imposed on retailers are imposed equally as a tax imposed on first possessors who are not retailers. The rules may provide that the tax be imposed based on a percentage of sales for any class of retailer.

NEW SECTION. Sec. 47. EXEMPTIONS. The following are exempt from the tax imposed in this chapter:

(1) Any successive possession of a previously taxed hazardous substance. If tax due under this chapter has not been paid with respect to a hazardous substance, the department may collect the tax from any person who has had possession of the hazardous substance. If the tax is paid by any person other than the first person having taxable possession of a hazardous substance, the amount of tax paid constitutes a debt owed by the first person having taxable possession to the person who paid the tax.

(2) Any possession of a hazardous substance by a natural person under circumstances where the substance is used, or is to be used, for a personal or domestic purpose (and not for any business purpose) by that person or a relative of, or person residing in the same dwelling as, that person.

(3) Any possession of (a) alumina, (b) natural gas, (c) petroleum coke, (d) liquid fuel or fuel gas used in petroleum processing, or (e) petroleum products that are exported for use or sale outside this state as fuel.

(4) Persons or activities that the state is prohibited from taxing under the United States Constitution.

(5) Any persons possessing a hazardous substance where the possession first occurred before the effective date of this section.

NEW SECTION. Sec. 48. CREDITS. (1) Credit shall be allowed in accordance with rules of the department of revenue for taxes paid under this chapter with respect to fuel carried from this state in the fuel tank of any airplane, ship, truck, or other vehicle.

(2) Credit shall be allowed, in accordance with rules of the department, against the taxes imposed in this chapter for any hazardous substance tax paid to another state with respect to the same hazardous substance. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to that hazardous substance. For the purpose of this subsection:

(a) "Hazardous substance tax" means a tax:

(i) That is imposed on the act or privilege of possessing hazardous substances, and that is not generally imposed on other activities or privileges; and

(ii) That is measured by the value of the hazardous substance, in terms of wholesale value or other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax.

(b) "State" means (i) the state of Washington, (ii) a state of the United States other than Washington, or any political subdivision of such other state, (iii) the District of Columbia, and (iv) any foreign country or political subdivision thereof.

Sec. 49. Section 6, chapter 109, Laws of 1987 and RCW 43.21B. 310 are each amended to read as follows:

(1) Any order issued by the department or authority pursuant to RCW 70.94.211, 70.94.332, 70.105.095, 43.27A.190, 86.16.020, or 90.48.120(2) or any provision enacted after July 26, 1987, or any permit, certificate, or license issued by the department may be appealed to the pollution control hearings board if the appeal is filed with the board and served on the department or authority within thirty days after receipt of the order. Except as provided under chapter 70.-- RCW (sections 1 through 25 of this act.) this is the exclusive means of appeal of such an order.

(2) The department or the authority in its discretion may stay the effectiveness of an order during the pendency of such an appeal.

(3) At any time during the pendency of an appeal of such an order to the board, the appellant may apply pursuant to RCW 43.21B.-- (section 7, chapter 109, Laws of 1987) to the hearings board for a stay of the order or for the removal thereof.

(4) Any appeal must contain the following in accordance with the rules of the hearings board:

(a) The appellant's name and address;

(b) The date and docket number of the order, permit, or license appealed;

(c) A description of the substance of the order, permit, or license that is the subject of the appeal;

(d) A clear, separate, and concise statement of every error alleged to have been committed;

(e) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and

(f) A statement setting forth the relief sought.

(5) Upon failure to comply with any final order of the department, the attorney general, on request of the department, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary, including injunctive relief, to insure compliance with the order. The air authorities may bring similar actions to enforce their orders.

(6) An appealable decision or order shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed only by filing an appeal with the hearings board and serving it on the department within thirty days of receipt.

NEW SECTION. Sec. 50. APPROPRIATION TO THE DEPARTMENT OF ECOLOGY—STATE TOXICS CONTROL ACCOUNT. The sum of fourteen million six hundred eighty-one thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the state toxics account to the department of ecology, of which:

(1) \$10,000,000, or so much thereof as may be necessary, shall be expended for the purposes of administering and conducting remedial action;

(2) \$4,030,000, or so much thereof as may be necessary, shall be expended for the ongoing implementation of the hazardous waste regulatory program authorized by chapter 70.105 RCW including, but not limited to, activities to permit and inspect hazardous waste facilities;

(3) \$340,000, or so much thereof as may be necessary, shall be used to provide technical assistance to local governments in accordance with RCW 70.105.170 and 70.105.255, and for local planning grants as provided in RCW 70.105.220 and 70.105.235(1) (a), (b), and (c);

(4) \$311,000, or so much thereof as may be necessary, shall be used for solid waste management activities including, but not limited to: (a) State and local solid waste enforcement; (b) development and dissemination of technical assistance information for local governments regarding proper management and disposal of solid waste in accordance with RCW 70.95.100 and 70.95.263(2); and (c) local planning grants as provided in RCW 70.95.130.

The appropriation in this section shall be reduced by any amount expended under the appropriation in section 50, chapter 2, Laws of 1987 3rd ex. sess.

NEW SECTION. Sec. 51. APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE—STATE TOXICS CONTROL ACCOUNT. The sum of two hundred thirty-four thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the state toxics control account to the department of agriculture to administer and carry out the agricultural waste management programs. The appropriation in this section shall be reduced by any amount expended under the appropriation in section 51, chapter 2, Laws of 1987 3rd ex. sess.

NEW SECTION. Sec. 52. APPROPRIATION TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT—STATE TOXICS CONTROL ACCOUNT. The sum of three hundred eighty-four thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the state toxics control account to the department of community development to carry out hazardous waste training for fire fighters. This appropriation shall be reduced by any amount expended under the appropriation in section 52, chapter 2, Laws of 1987 3rd ex. sess.

NEW SECTION. Sec. 53. APPROPRIATION TO THE DEPARTMENT OF REVENUE—STATE TOXICS CONTROL ACCOUNT. The sum of one hundred six thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the state toxics control account to the department of revenue to administer the collection of taxes imposed by this act. This appropriation shall be reduced by any amount expended under the appropriation in section 53, chapter 2, Laws of 1987 3rd ex. sess.

NEW SECTION. Sec. 54. APPROPRIATION TO THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—STATE TOXICS CONTROL ACCOUNT. The sum of seven hundred ten thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the state toxics control account to the department of social and health services, of which:

(1) \$124,000, or so much thereof as may be necessary, shall be used to test public drinking water supplies for organic chemicals;

(2) \$313,000, or so much thereof as may be necessary, shall be used to monitor drinking water supplies potentially affected by hazardous waste releases;

(3) \$273,000, or so much thereof as may be necessary, shall be used for health risk assessments, health monitoring activities, and health information services for communities near a hazardous waste site.

This appropriation shall be reduced by any amount expended under the appropriation in section 54, chapter 2, Laws of 1987 3rd ex. sess.

NEW SECTION. Sec. 55. APPROPRIATION TO THE DEPARTMENT OF ECOLOGY—LOCAL TOXICS CONTROL ACCOUNT. The sum of eighteen million six hundred eighty-five thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the local toxics account to the department of ecology, of which:

(1) \$936,000, or so much thereof as may be necessary, shall be expended for local solid waste enforcement grants.

(2) \$17,749,000, or so much thereof as may be necessary, shall be used for grants and loans pursuant to section 22(4) of this act.

This appropriation shall be reduced by any amount expended under the appropriation in section 55, chapter 2, Laws of 1987 3rd ex. sess.

NEW SECTION. Sec. 56. APPROPRIATION TO THE DEPARTMENT OF ECOLOGY—TOXICS CONTROL RESERVE ACCOUNT. Effective July 1, 1988, the sum of three million dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the toxics control reserve account to the department of ecology to carry out the purposes of this act. This appropriation shall be reduced by any amount expended under the appropriation in section 56, chapter 2, Laws of 1987 3rd ex. sess.

NEW SECTION. Sec. 57. APPROPRIATION TO THE DEPARTMENT OF ECOLOGY—BUSINESS ASSISTANCE PROGRAM. The sum of one hundred fifty thousand dollars, or so much thereof as may be necessary, is appropriated from the state toxics control account to the department of ecology for the biennium ending June 30, 1989, to carry out the purposes of section 20 of this act. This appropriation shall be reduced by any amount expended under the appropriation in section 57, chapter 2, Laws of 1987 3rd ex. sess.

NEW SECTION. Sec. 58. The sum of three million six hundred thousand dollars, or so much thereof as may be necessary, is appropriated from the water quality permit account to the department of ecology for the biennium ending June 30, 1989, to carry out the purposes of sections 35 through 43 of this act. This appropriation shall be reduced by any amount expended under the appropriation in section 58, chapter 2, Laws of 1987 3rd ex. sess.

NEW SECTION. Sec. 59. 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. 60. Section captions used in this act do not constitute any part of the law.

NEW SECTION. Sec. 61. Sections 1 through 25 of this act constitute a new chapter in Title 70 RCW. Sections 36 through 41 of this act are each added to chapter 90.48 RCW. Sections 44 through 48 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 62. Sections 44 through 48 of this act shall take effect on January 1, 1988. The department of revenue may immediately take such steps as may be necessary to ensure that the tax imposed under sections 44 through 48 of this act is implemented on its effective date.

NEW SECTION. Sec. 63. REPEALERS. The following acts or parts of acts are each repealed:

(1) Section 1 chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.010;

(2) Section 2, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.020;

(3) Section 3, chapter 65, Laws of 1983 1st ex. sess., section 129, chapter 7, Laws of 1985 and RCW 70.105A.030;

(4) Section 4, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.040;

(5) Section 5, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.050;

(6) Section 6, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.060;

(7) Section 7, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.070;

(8) Section 8, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.080;

(9) Section 13, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.090;

(10) Section 9, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.900; and

(11) Section 15, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.905.

NEW SECTION. Sec. 64. (1) The state treasurer shall transfer to the state toxics control account the balance of all funds in the hazardous waste control and elimination account which remain in this account immediately prior to the effective date of this section. Any person who, by the effective date of this section, has not paid the fees and other amounts due under those sections of chapter 70.105A RCW which are repealed by section 63 of this act shall continue to be obligated to pay such fees and

amounts. All payments received after the effective date of this section shall be deposited into the state toxics control account. The provisions of those RCW sections which are repealed in section 63 of this act shall continue to apply to those fees and amounts which are due on the effective date of this section.

(2) The repeal of RCW 70.105A.030 shall be applied retroactively as of January 1, 1987, so that no person, as defined in RCW 70.105A.020, will have to pay any fee for 1987, collectible in 1988.

NEW SECTION. Sec. 65. Sections 1 through 64 of this act shall take effect March 1, 1989.

NEW SECTION. Sec. 66. Sections 1 through 64 of this 1988 act shall constitute the alternative to Initiative 97, which has been proposed to the legislature. The secretary of state is directed to place sections 1 through 64 of this 1988 act on the ballot in conjunction with Initiative 97, pursuant to Article II, section 1(a) of the state Constitution.

NEW SECTION. Sec. 67. Section 65, chapter 2, Laws of 1987 3rd ex. sess. (uncodified) is hereby repealed.

NEW SECTION. Sec. 68. Chapter 2, Laws of 1987 3rd ex. sess. shall expire March 1, 1989: PROVIDED, That if the voters fail to approve Initiative 97 and fail to approve the alternative to the initiative proposed by the legislature, chapter 2, Laws of 1987 3rd ex. sess. shall expire on the date the election results are certified.

NEW SECTION. Sec. 69. A new section is added to chapter 2, Laws of 1987 3rd ex. sess. and to chapter 82.22 RCW to read as follows:

Notwithstanding RCW 82.22.020, "hazardous substance" does not include substances or products packaged as a household product and distributed for domestic use until June 1, 1988, and does not include such substances or products in inventory before June 1, 1988.

NEW SECTION. Sec. 70. Section 69 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.



COMPLETE TEXT OF House Joint Resolution No. 4222

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

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 VII, section 1 of the Constitution of the State of Washington to read as follows:

Article VII, section 1. The power of taxation shall never be suspended, surrendered or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only. The word "property" as used herein shall mean and include everything, whether tangible or intangible, subject to ownership. All real estate shall constitute one class: PROVIDED, That the legislature may tax mines and mineral resources and lands devoted to reforestation by either a yield tax or an ad valorem tax at such rate as it may fix, or by both. Such property as the legislature may by general laws provide shall be exempt from taxation. Property of the United States and of the state, counties, school districts and other municipal corporations, and credits secured by property actually taxed in this state, not exceeding in value the value of such property, shall be exempt from taxation. The legislature shall have power, by appropriate legislation, to exempt personal property to the amount of three ~~(hundred (\$300.00))~~ thousand (\$3,000.00) dollars for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual bona fide owner.

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 House Joint Resolution No. 4223

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

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, ~~((until January 1, 1990))~~ any county, city, town, quasi municipal corporation, municipal corporation, or political subdivision of the state which is engaged in the sale or distribution of energy may, as authorized by the legislature, use public moneys or credit derived from operating revenues from the sale of energy to assist the owners of ~~((residential))~~ structures or equipment in financing the acquisition and installation of materials and equipment for the conservation or more efficient use of 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 ~~((residential))~~ structure benefited or a security interest in the equipment benefited. Any financing 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. ~~((Except as to contracts entered into prior thereto, this amendment to the state Constitution shall be null and void as of January 1, 1990 and shall have no further force or effect after that date.))~~

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.

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.

BE IT FURTHER RESOLVED, That the foregoing amendment shall be construed as a single amendment within the meaning of Article XXIII, section 1 of this Constitution.

The legislature finds that the changes contained in the foregoing amendment constitute a single integrated plan for updating terminology. If the foregoing amendment is held to be separate amendments, this joint resolution shall be void in its entirety and shall be of no further force and effect.



COMPLETE TEXT OF House Joint Resolution No. 4231

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

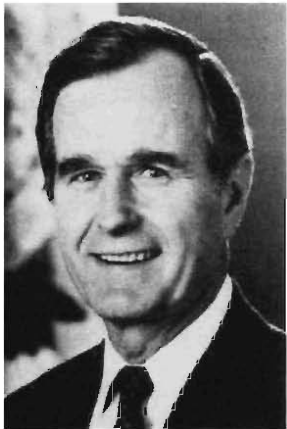
THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VI, section 3 and an amendment to Article XIII, section 1 of the the state Constitution to read as follows:

Article VI, section 3. All ~~((idiots, insane persons, and))~~ persons convicted of infamous crime unless restored to their civil rights and all persons while they are judicially declared mentally incompetent are excluded from the elective franchise.

Article XIII, section 1. Educational, reformatory, and penal institutions; those for the benefit of ~~((blind, deaf, dumb, or otherwise defective youth, for the insane or idiotic))~~ youth who are blind or deaf or otherwise disabled; for persons who are mentally ill or developmentally disabled; and such other institutions as the public good may require, shall be fostered and supported by the state, subject to such regulations as may be provided by law. The regents, trustees, or commissioners of all such institutions existing at the time of the adoption of this Constitution, and of such as shall thereafter be established by law, shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor, the question shall be taken by ayes and noes, and entered upon the journal.



President and Vice President



**George
BUSH**
Republican

Campaign Address:
Bush-Quayle '88
Dan Cummings, Exec. Dir.
215 W. Harrison St.
Seattle WA 98119
Telephone: (206) 284-4221



**Dan
QUAYLE**
Republican

George Bush, Vice President of the United States, on the issues:
Now I turn to the American people to share my hopes and intentions, and why and where I wish to lead.

Every one of our children deserves a first rate school. I will increase the power of parents. I will encourage merit schools, give more kids a head start, and make it easier to save for college.

I want a drug-free America. I challenge the young people of our country to shut down the drug dealers around the world. Fighting crime will be a high priority for the next four years. I intend to appoint judges who will crack down on criminals and we've got to continue to strengthen sentences to deter criminal acts.

In foreign affairs I will continue our policy of peace through strength. I will move towards further cuts in the nuclear arsenals of both the U.S. and the Soviet Union, modernize and preserve our technological edge, and ban chemical and biological weapons from the face of the earth.

I will fight to protect the environment by taking action against acid rain, enforcing and funding toxic waste programs and addressing contamination of groundwater. I will conserve and wisely manage our parks, forests and wetlands.

I will confront the problems of global warming, ozone depletion, tropical deforestation, species extinction and the contamination of our oceans – I will make it safe to go to the shore again.

Dan Quayle, United States Senator from Indiana, on the issues:
We want to build on the progress we have made since 1980 and, with a strong economy and strengthened national defense, lead this country into the 1990's.

We are once again a respected nation throughout the world and, with our renewed sense of national purpose and the strengthening of our strategic and conventional forces, we have made great strides in the area of arms control. We want to continue this progress, never losing sight of the fact that a strong defense and the willingness to take action when necessary are necessary precursors to arms control.

We want to create more jobs. Our goal is to create more opportunity for all citizens and, even though we have created 17 million new jobs in the past 7½ years, our aim is to exceed this total in the next 8 years.

We want to continue the progress we have made in building a sound economy. We pledge to continue the fight to curb federal spending and eliminate unnecessary and wasteful federal programs. We must remember that only a strong private sector, together with low, fair tax rates, can provide economic health.

We want to enhance environmental quality. This will be done by taking action against contaminants to our environment and additional research into needed areas. In addition to protecting our environment from harmful influences, we pledge to protect our national parks, forests, and wetlands.

President and Vice President



**Michael S.
DUKAKIS**
Democrat

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Dukakis-Bentsen/
Campaign '88
307 Broad Street
Seattle WA 98121
Telephone: (206) 441-4333



**Lloyd M.
BENTSEN**
Democrat

We are the party of the American dream.

A dream so powerful that no distance of ground, no expanse of ocean, no barrier of language, no distinction of race or creed or color can weaken its hold on the human heart.

I know because I'm a product of that dream. And I'm proud of it.

And to those who say the American dream belongs to the privileged few and not to all of us, we say that the old era is over and a new era is about to begin.

It's time to raise our sights—to look beyond the cramped ideals and ambitions of the past eight years, and to recapture the spirit of energy, confidence and idealism that John F. Kennedy and Lyndon Johnson inspired a generation ago.

It's time to meet the challenge of the next American frontier—the challenge of building an economic future for our country that will create good jobs at good wages for every citizen in this land, no matter who they are or where they come from or what the color of their skin.

It's time to rekindle the American spirit of invention and daring; to exchange voodoo economics for can-do economics; and to build the best America by bringing out the best in every American.

It's time to wake up to the new challenges that face the American family. Time to see that young families in this county are never again forced to choose between the jobs they need and the children they love; time to be sure that parents are never again told that no matter how long they work or how hard their child tries, a college education is a right they can't afford.

It's time to ask why it is that we have run up more debt in this country in the last eight years than we did in the previous 200—and to make sure it never happens again.

Maintaining the status quo—running in place or standing still—isn't good enough for the state of Washington or for America. Opportunity for some isn't good enough for Washington or America.

As President, I'm going to be setting goals for our country. Not goals for the government working alone, but goals for our people working together.

That means businesses retraining their workers and retooling their factories. It means students and office workers alike sharing the precious gift of literacy. It means working together to build decent and affordable housing to end the shame of homelessness in America. It means young scientists dedicating their gifts not to the destruction of life, but to its preservation.

We are in this together. And regardless of who we are or where we come from or how much money we have, each of us counts. And by working together to create opportunity and a good life for all, all of us are enriched—not just in economic terms, but as citizens, and as human beings.



President and Vice President



**Lenora
FULANI**
New Alliance

Campaign Address:
**Lenora B. Fulani's Committee
for Fair Elections**
475 Fifth Avenue, Suite 1500
New York NY 10017
Telephone: (212) 685-8360

Lenora B. Fulani is America's third candidate. In November Dr. Fulani will become the first woman and the first African-American in the history of our country to be on the ballot in all 50 states and the District of Columbia.



**Wynonia
BURKE**
New Alliance

She began her independent campaign with the slogan "Two Roads Are Better Than One." It meant supporting Reverend Jesse Jackson's bid for the Democratic Party nomination while at the same time preparing her independent candidacy so that in the event that he was not nominated, there would still be a Black candidate on the ballot in every state standing for the inclusive social vision of the Rainbow.

Dr. Fulani is running for President as the candidate of the "people-instead-of-profits" New Alliance Party. As such, she stands for the restoration of all land, water and treaty rights to the American Indian people; for a national health service that would guarantee comprehensive quality health care to all Americans, including the elderly, the poor, the disabled, women and people with AIDS; the enactment of a federal AIDS bill of rights and a federal lesbian and gay rights law; an amendment to the Constitution that would guarantee every American the human and civil right to a home; the slashing of the military budget and the reinvestment of billions of dollars in jobs and job training, education, housing construction, public transportation and social services; a moratorium on plant closings; women's right to choose an abortion; Constitutional guarantees for the protection of the environment; full sanctions against apartheid South Africa and the withdrawal of all aid to the Mobutu dictatorship in Zaire until there is an improvement in the human rights situation there; an end to U.S. intervention in Central and Latin America; the withdrawal of military aid to Israel, the right of the Palestinian people to self-determination and statehood, and recognition of the Palestine Liberation Organization as the legitimate representative of the Palestinian people; and passage of the Fair Elections Bill, H.R. 1582, that would establish fair and uniform ballot access standards for independent parties and candidates in federal elections.

Dr. Fulani has made her campaign "a crusade for fair elections," to open up the national political dialogue so as to include the full range of alternatives available to American voters this year—a dialogue that she says is "the cornerstone of real democracy."

Lenora Fulani was born and brought up in Chester, Pennsylvania. She holds an earned doctorate in developmental psychology from the City University of New York and is the Director of Community Clinics of New Alliance Community Services, a network of community-based, independently funded mental health, medical and legal service programs in New York City where she lives with her two children. In 1986 Dr. Fulani ran for governor of New York as an independent and received more votes than any other left of center independent candidate in a generation.

Ms. Burke, a Coharie Indian born and brought up in Sampson County, North Carolina, is a long-time civil rights activist who is using the Fulani campaign to continue building a progressive alliance between African-Americans and Native Americans and among Indians of different tribes.

President and Vice President



**Larry
HOLMES**
Workers World

Campaign Address:
Workers World Party
1988 Presidential Campaign
Committee
46 West 21 Street
New York NY 10010
Telephone: (212) 255-0352



**Gloria
LA RIVA**
Workers World

Larry Holmes and Gloria La Riva, Workers World Party's candidates for President and Vice President in 1988, provide an alternative to the two big business parties. Workers World Party is calling for a "New Bill of Rights" for poor and working people: the right to a job — ban plant closings and layoffs; decent affordable housing for all — stop evictions; free health care, education and childcare; raise the minimum wage to \$10 an hour; outlaw racism; end all forms of lesbian and gay oppression; money for AIDS research, not Star Wars; equal pay and reproductive rights for women; protect the rights of youth, seniors and the disabled; make corporate polluters pay to clean up the environment; ban farm foreclosures; honor Native treaty rights; and no U.S. military intervention abroad.

Workers World Party believes that people's needs must come before corporate greed. Only an independent movement of working and oppressed people can organize and fight to change this society and win these rights.

Working and poor people need their own party to build a fight-back movement independent of the Republican and Democratic party leaders, a party that understands the problem is not just Reagan or one politician but is the whole capitalist system.

Workers World is such a party. It has many years of experience and leadership in the struggle for the rights of poor and working people, of women and lesbians and gays, for unions, against racism, against wars-for-profit in Central America and Vietnam and against apartheid in South Africa.

WWP's Presidential and Vice Presidential candidates reflect those years of experience. Larry Holmes became active in the anti-war movement after being drafted during the Vietnam war. He has since organized against the KKK and police brutality, and has campaigned to stop plant closings and layoffs. He is active in the movements to free South Africa and to stop U.S. intervention in Central America.

Gloria La Riva, a Chicana trade unionist active in the Bay Area Typographical Union (CWA), Local 21, organized mass protests in Rochester, N.Y., and California against Reagan's anti-worker, racist policies. La Riva ran for mayor of San Francisco in 1983, coming in third.

Workers World Party's candidates are not for mere band-aids on an unjust and outmoded system. There's really only one answer — a new social, political and economic system in which production is planned to meet people's needs. This socialist reorganization of society, in which the workers own and control the economy, can insure that oppression and inequality are eliminated. It's not only possible, it's absolutely necessary. Building a new society is the next big step that humanity is going to take into the future. Be part of that struggle.



President and Vice President



**Lyndon H.
LaROUCHE, Jr.**
Independent



**Debra H.
FREEMAN**
Independent

Lyndon LaRouche is a highly controversial international figure, hated, feared, and denounced by the Soviet dictatorship; feared by international bankers who created the current financial mess; but praised and admired by leading personalities and others in many parts of the world.

History will say that Lyndon LaRouche was the greatest economist of the twentieth century; an individual uniquely qualified to recognize the successes and failures of Franklin Roosevelt's recovery program; an individual competent to conquer the worst financial and economic crisis of the century.

The crises that the next President will face include a financial crash worse than Roosevelt faced in 1933; the effects of 20 years of 'post-industrial' erosion of the physical economy of the United States; the toughest strategic crisis in history; a wildfire spread of the species-threatening disease AIDS; and a near breakdown in the foreign policy of the United States.

LaRouche's economic philosophy is what President George Washington's administration named the "American System." It was also the economic policy of Lincoln, and the policy that built our nation into a great agro-industrial power.

In contrast, the administrations from Lyndon Johnson through President Reagan have applied monetary and fiscal policies that have destroyed, rather than enhanced, industrial, agricultural, and technological development. Twenty years of post-industrial drift has brought us to the mess we see today – in our cities, our farms, and family life itself.

LaRouche will restore the American system of political-economy by declaring a national economic emergency and transforming the Federal Reserve System into a Hamiltonian National Bank, like the Bank of the United States under President George Washington.

He will weather the immediate financial crisis by using the regulatory powers of government to protect deposits and keep the doors of local banks open. Regulatory powers will be used to protect the value of the U.S. dollar and defend the value of U.S. bonds at par value.

Congress, by emergency request, will issue \$1 trillion of U.S. Treasury, gold-reserve, U.S. currency notes, to be loaned at 1-2% interest rates to farms and industries, for infrastructure improvements, and for export loans. Because these loans will be used to create millions of new jobs, they will not be inflationary.

LaRouche will launch a super-NASA program with the long range goal of the permanent colonization of Mars by the year 2027. He will launch a youth-employment program to give presently unemployable youth training, work, and a future.

LaRouche will devote \$3 billion a year to biological research into discovering a cure for AIDS. For agriculture, LaRouche will restore parity, end farm foreclosures, and work for large scale development of water resources.

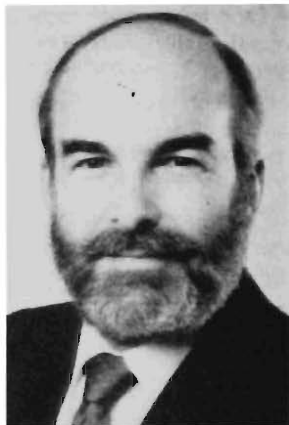
Using science and technology, in large-scale development and research projects, LaRouche will restore a sense of optimism amongst our citizenry, especially our youth.

Debra Freeman, a Baltimore doctor of Public Health, leads the LaRouche AIDS program. She chaired his campaign for the 1988 Democratic Party presidential nomination.

President and Vice President



**Ron
PAUL**
Libertarian



**Andre
MARROU**
Libertarian

Campaign Address:
Ron Paul for
President Committee
P.O. Box 23108
Seattle WA 98102
Telephone: (206) 329-5669

Ron Paul, Libertarian for President

Elected four times to the U.S. House of Representatives, 1976-1984. For his uncompromising advocacy of liberty, he won awards from the National Taxpayers Union, the Council for a Competitive Economy and the American Economic Council. In February 1987, he resigned from the Republican Party in disgust, saying, "I want to totally disassociate myself from the policies that have given us unprecedented deficits, massive monetary inflation, indiscriminate military spending, an irrational and unconstitutional foreign policy, zooming foreign aid, the exaltation of international banking and the attack on our personal liberties and privacy."

Ron Paul on the issues

Foreign policy: The job of the U.S. government is to defend the people, property and liberty of the United States. Period. It is not to run the world. It is not to fund wealthy clients like Germany and Japan. It is not to install and overthrow dictators in Central America. It is not to intervene on the side of totalitarian socialist Iraq and big oil in the Persian Gulf. It is not to subsidize the Soviet Union through bank loans backed up by American taxpayers. Paul wants peace and commerce with all who want them, no entangling alliances, no foreign meddling and a strong defense for our shores.

Balancing the budget: Democrats and Republicans are all for balancing the budget when the other party is in power. But not when they can direct the cash to their interest groups. Paul will balance the budget by eliminating \$500 billion in corporate welfare, social welfare and foreign military welfare.

Income Tax: The latest tax reform complexity, more anxiety and more taxes. 10,000 armed IRS agents have the license to confiscate your wealth, seize your bank accounts and force you to incriminate yourself without due process of law. The income tax extracts about 40% of the government's revenues, at the cost of our liberty. If we cut the budget 40%, we would be able to abolish the IRS.

Restore the gold standard and abolish the Fed: When bankers and politicians took control of our dollar and established the Federal Reserve and abolished the gold standard, they set the stage for tremendous profits for themselves and untold suffering for the rest of us. Since the Fed was created in 1913, the dollar has lost 96% of its purchasing power. The Fed should be abolished and a gold standard established.

Protect our civil liberties: Why should politicians be able to tell us how we can behave on our own property, or what we can consume? In the 1920's, the unbelievable violation of our liberties called Prohibition strengthened public and private criminals at the people's expense. The same is true of the war on drugs. Government tells cancer patients what medications they can take, parents how to raise and educate their children, and churches and church schools how to operate. Ron Paul puts the people before the government, and upholds our privacy and other civil liberties as absolute rights.



President and Vice President



**James
WARREN**
Socialist Workers Party



**Kathleen
MICKELLS**
Socialist Workers Party

Campaign Address:
Socialist Workers 1988
Campaign Committee
c/o Pathfinder Bookstore
5517 Rainier Ave. S.
Seattle WA 98118
Telephone: (206) 723-5330

On October 19, 1987 the New York Stock Exchange plunged more than at any time in this century; more steeply than the October 1929 Wall Street crash that signaled the Great Depression of the 1930s. Every working person feels more uneasy today as a result. And with good reason.

The crash revealed the explosive pressures that have been accumulating in the world capitalist economy for 20 years.

Their consequences can already be seen in the devastation faced by the most impoverished layers of working people and the poorest regions of the world: Poverty, homelessness, crumbling schools, hospitals, roads, disintegrating public health, growing unemployment, especially among youth and blacks, and moves at restricting democratic rights.

This creeping social crisis points to the coming reality that a vast majority of working people around the world are going to face — the inevitability of a world depression that will usher in an economic and social crisis engulfing workers and farmers in every part of the world that the capitalist market reaches.

To confront this crisis and the inevitable unemployment and social dislocations that will result, the Socialist Workers Party puts forth a three point action program that is described in detail in the Pathfinder Press pamphlet "Action program to confront the coming economic crisis." The three points are:

1. *To provide jobs for all by spreading the available work among all workers, reduce the workweek to 30 hours with no reduction in take-home pay.*
2. *Expand and enforce affirmative action to guarantee jobs, promotions, equal housing and education to blacks, other victims of racial or national discrimination and women.*
3. *Cancel the huge foreign debt that the third world countries owe to banks in the imperialist countries.*

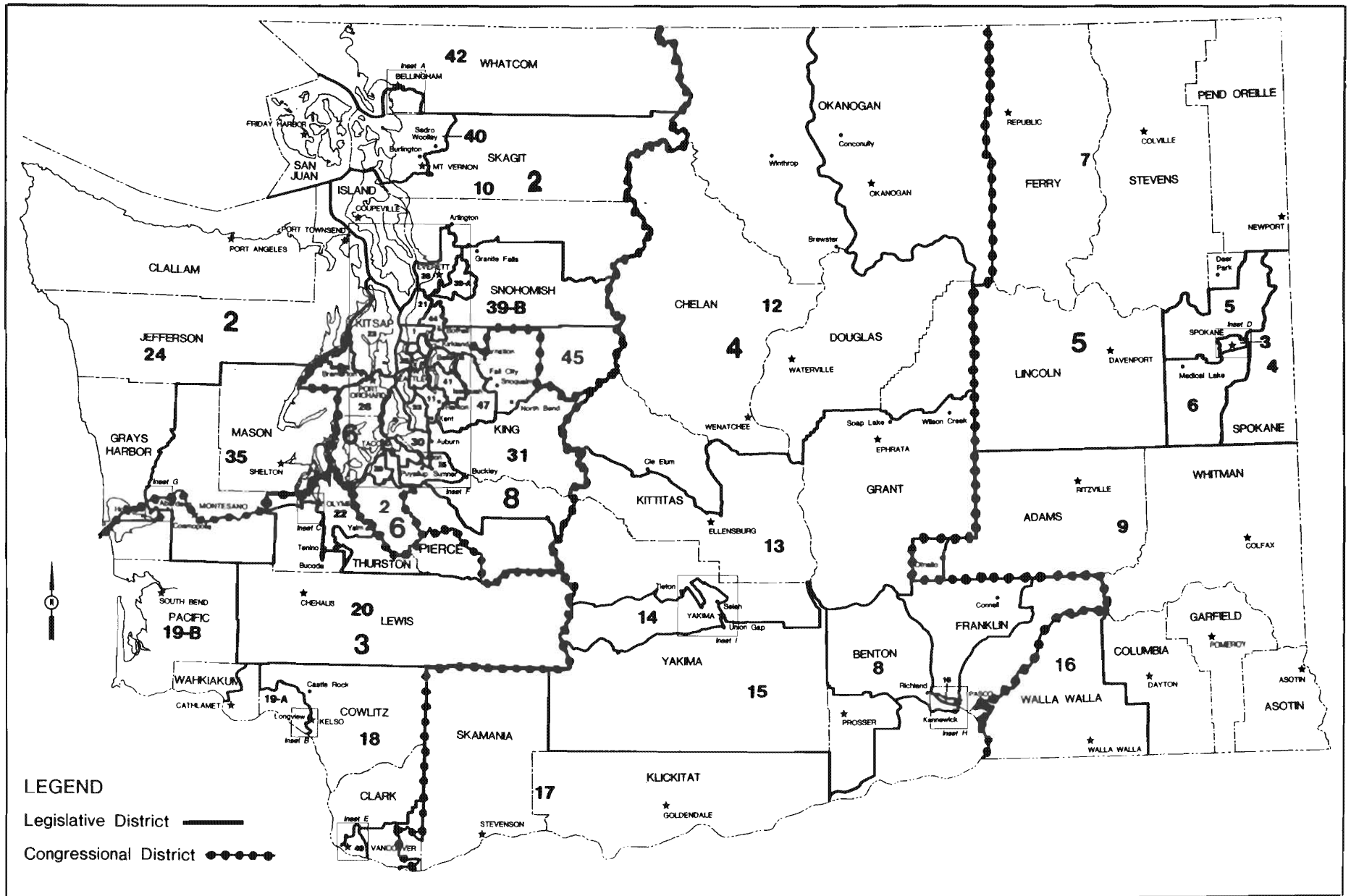
The most fundamental division among workers is between the employed and the unemployed. Even today, before mass unemployment, we are divided in a hundred ways by capitalist politicians and the media who try to present unemployed workers as "lazy", "welfare cheats", "an underclass", "homeless" or other terms which obscure our real status — unemployed workers.

The action program that my running mate, Kathleen Mickells, and I are presenting provides the basis to unite workers in an international political movement to defend ourselves from the devastating effects of the coming crisis. Through this kind of fighting campaign, each one of us has the potential to recognize not only our strength as part of a united social movement, but also our individual worth as human beings with the capacity to think and act.

The current struggle of the farmworkers union in the Yakima Valley for an increase in the minimum wage and for unemployment relief for farmworkers is an important example in this regard. Their efforts to unify employed and unemployed, U.S. born and foreign born, points towards the necessary unity needed for workers to defend their class interests.

For a copy of the action program and a 12-week subscription to the socialist newsweekly *The Militant*, send \$5 to our campaign office.

WASHINGTON STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS





United States Senator



**Slade
GORTON
Republican**

Campaign Address:
215 W. Harrison, Suite G
Seattle WA 98119
Telephone: (206) 282-1988

The past exists to build upon, and building requires a vision. Ours is an Evergreen Vision.

Over the past eight years, we rebuilt our foundations of prosperity and security. We lowered taxes, inflation and interest rates, and put people back to work. We built up our defenses and then negotiated the world's first nuclear arms reduction agreement. As your Senator for six of those years, I worked hard for these successes.

Now we must turn to those whom prosperity has not yet reached. We must build a caring American home and community on a foundation of growth and peace. And what is our vision of that home and community?

In our Evergreen Vision, we can save our families from drugs and crime by placing stiff economic penalties on drug users — who sustain the dealers' crimes. We can address homelessness and child care using local ideas, local energy and a mix of public and private resources. We can improve American education by supporting higher standards and local innovation. Social Security must be treated as a separate and sacred trust fund.

But we can realize these goals only by maintaining our growth and strength — and changing our course wisely, not radically. Wise change means cutting the budget deficit through spending limits and economic growth — not through higher taxes. Wise change means maintaining our investments in national security — not reversing them.

You know me well already. I served for 10 years as a State Representative. As Attorney General for 12 years, I helped this state become a leader in preventing crime and protecting consumers. As Senator, I helped protect the environment, house the homeless, and rebuild our foundation for growth and peace.

I am ready to take our Evergreen Vision to the other Washington — to fight for you — the people of Washington State.



For ten years, Mike Lowry has been a hard-working, effective member of Congress. Mike grew up in the farm country of Eastern Washington, graduated from Washington State University, and served on the King County Council. Elected to Congress in 1978, he has built an impressive record of achievement.

Mike has worked hard for Washington's economy by securing Export-Import Bank funding so we can compete internationally, blocking administration attempts to raise BPA electric rates, and strengthening our fishing industry.

On the Budget Committee, Mike has worked to reduce the deficit and support education, children, and seniors. He led the fight for homeless assistance. To cut spending, he's had the courage to take on wasteful pork-barrel projects – even in his own state. Mike believes that excessive deficits cause high interest rates – threatening jobs, businesses, and families.

As Oceanography Subcommittee Chairman, Mike has worked for marine sanctuaries in the San Juans and off the Washington coast. He's fighting offshore oil drilling and toxic dumping in Puget Sound. Mike worked with our delegation to pass the Washington Wilderness Bill, protecting old-growth forests and salmon and steelhead runs.

Mike's colleagues elected him to chair the influential Democratic Study Group. As Chairman, he's worked for peace in Central America by blocking military aid to the Nicaraguan Contras and supporting diplomatic solutions.

Mike believes that national defense begins with a strong economy. He supports good military pay and benefits, improved conventional defenses, a survivable deterrent, and arms control to enhance our security. He opposes wasteful and dangerous weapons and short-sighted cuts in maintenance and readiness.

With broad Congressional experience, Mike is ready to be an effective senator and strong advocate for Washington jobs, our environment, our children, peace, individual rights, seniors, health care, and strengthening the economy – the things that make America strong.



Mike LOWRY Democrat

Campaign Address:
Mike Lowry for
U.S. Senate
717 Virginia
Seattle WA 98101
Telephone: (206) 587-2347



United States Representative Fourth Congressional District



Sid **MORRISON** Republican

Campaign Address:
Citizens for Morrison
P.O. Box 105
Yakima WA 98907
Telephone: (509) 575-6942

Sid Morrison's record of legislative success for his Central Washington constituents includes support for agriculture, the cornerstone of the district's economy. He's worked for generous government purchases for school and domestic feeding problems when farmers have produced more potatoes, apples or pears than the market can absorb.

He convinced his colleagues and the administration to make wood products eligible for USDA short- and intermediate-term guaranteed loans, making U.S. lumber and plywood competitive in the global market. He helped craft targeted export assistance boosting sales and opening new markets for apples, cherries, seafood and grain.

Sid's made the tough choices in designing wilderness protection and crafting a local control mechanism that meets national standards for protection of the Columbia River Gorge. He worked with his Washington State colleagues to fund a laser light show at Grand Coulee Dam in time for our State's Centennial celebration. Rather than lose water through old facilities, he helped the Greater Wenatchee and Oroville and Tonasket Irrigation Districts gain needed funding.

Morrison has fought for new jobs creating projects like a lasting mission for FTF, the Environmental Center of Excellence at Hanford, and a new agricultural research laboratory at Yakima. He's maintained proven programs like ROTC at Central Washington University and the Farm Workers' Health Clinics. He's made a difference in making sure these priorities and dozens of others become reality.

Sid's a proud part of a majority of members of Congress who, regardless of political party, reformed social security and civil service retirement programs, redesigned our tax laws to make them fairer, reinstated the mileage allowance for veterans traveling for medical care, and restored necessary funding for education.

Sid Morrison has represented his constituents well. He deserves your vote!

Dick's involvement in agriculture, on numerous boards and committees and 24 years as a Port Commissioner provide a solid base for positive, aggressive leadership in the 4th Congressional District.

Dick's commitment is to declare all-out war to resolve the issues of *unemployment, economic justice in agriculture, drug abuse, loss of credibility of our nuclear industry, unproductive corporate mergers and illegal stock transactions.* "We cannot afford to have willing hands lying idle . . . to lose the productivity of our family farmers . . . to lose the thousands of jobs or benefits of nuclear energy which represents our best hope for a clean source of energy until research develops an alternative source . . . to have valuable capital drained from the economy when it is needed to help new business, to assist economic competition and to alleviate the decline in our standard of living."

The real issue in this campaign is *priorities.* It is time to change priorities . . . to take care of our own . . . to bring back the "pride" of "good work, good pay" . . . to meet the challenges of these changes. This is the first time in our nation's history that the standard of living has declined from the previous generation. We cannot solve Government problems with a "charge card" attitude and we cannot expect to saddle the next three generations with the responsibility of paying for today's deficits.

Dick, a candidate for the 15th District Senate race in 1986, lost to the 22 year incumbent by 17 votes after two months of recounts.

Dick's experience and concern is why we need *Dick Golob* in Congress.



J. Richard (Dick) **GOLOB** Democrat

Campaign Address:
Friends of Golob for Congress
Route 3, Box 3034
Sunnyside WA 98944
Telephone: (509) 837-3964

Dick and Barbara Golob raised 6 children on the Golob farm in Sunnyside, and have been in row crop farming and cattle feeding since 1957. Dick served in the Army at Fort Jackson, South Carolina.

United States Representative Fifth Congressional District



Marlyn DERBY Republican

Campaign Address:
Derby for Congress Committee
P.O. Box 3947
Spokane WA 99220

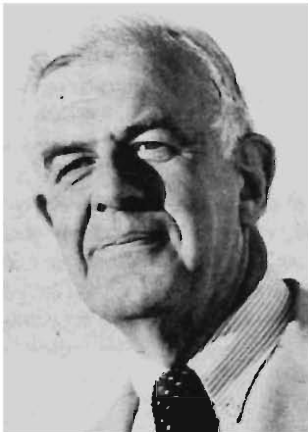
Marlyn Derby possesses the qualities that make her the ideal Congressional candidate. She is not encumbered by influence and money from special interest groups outside our state. Her goals are that the U.S. Constitution is again interpreted as the Founding Fathers intended and in seeing that the people of Eastern Washington are fairly represented.

By listening to the people, Marlyn knows that the important issues for you are a sound productive economy through restoring market control to individual Americans, a strong national defense including the Strategic Defense Initiative and reduction of the national debt. Marlyn understands that government should stop funding the break-up of families through faulty welfare regulations, and that it is government's duty to protect *all* of its citizens regardless of age, ethnic background, health or state of dependency.

Marlyn was born and raised on a family farm. She has represented the Republican party as county delegate, a state delegate and as a delegate to the 1988 Republican National Convention. She is a Registered Nurse, graduating at the top of her class. She has been married for 28 years to a pro-life physician, and is the mother of two children. She has served in local and national positions in nursing, education, the church, media relations and as the president of the National Association of ProLife Nurses.

Morality and integrity in government are reasons why Marlyn entered this race. It is time for a change in Congress to a *citizen statesman* who is dedicated to serving the people. Marlyn has those qualities of morality, integrity, and devotion to God and country that are so necessary for a public servant.

"Most of my 50 years of life, the Democrats have controlled the nation's purse strings. Their irresponsible handling of the budget has burdened us. It is time for a change!"



Thomas S. FOLEY Democrat

Campaign Address:
Committee to Re-Elect
Tom Foley
P.O. Box 2121
Spokane WA 99210
Telephone: (509) 747-9222

For Tom Foley, increasingly influential positions of leadership among his U.S. congressional colleagues and effectively getting things done for his Eastern Washington constituents have always gone hand-in-hand.

Elected to represent Fifth District citizens in 1964, Foley has moved from being the youngest chairman of the House of Representatives Agriculture Committee to the number two leadership position of

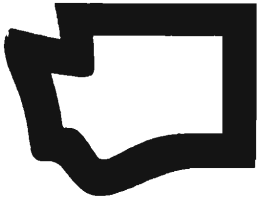
Majority Leader – the first member from Washington State to hold the position.

Foley was selected chairman of the bipartisan 1987 "Budget Summit" by the Democrat and Republican leadership participants from the House, Senate and White House. He believes cutting the substantial national budget deficit must be an overriding priority for the next administration. A strong critic of waste and inefficiency in civilian and military programs, Foley also feels that the deficit-reduction burdens must be shared equitably without sacrificing the essential integrity of such national priorities as social security, health care, national security, education or the fight against drugs.

Chairman of the Geneva Arms Talks Observer Team, Foley supports a strong defense and has been a leading advocate of effective, verifiable arms control agreements.

A lifelong resident of Spokane, whose grandfather homesteaded there before statehood, Foley reflects his Washington heritage with unstinting efforts to maintain the state's environment and economic vitality.

The son of Mrs. Helen M. Foley and the late Superior Court Judge Ralph E. Foley, he is married to the former Heather Strachan. A graduate of the University of Washington and its School of Law, Foley was a deputy Spokane County Prosecutor, Assistant State Attorney General and was special counsel to the late Senator Henry M. Jackson, 1961-64. He has served on the Board of Visitors of the U.S. Air Force and Naval Academies and is on Whitman College's Board of Overseers.



Governor

Office Description: The Governor is elected for a four-year term and is not restricted as to the number of times he/she can run for office. The Governor appoints the heads of all departments with the exception of the other eight statewide elected officials for whom information is contained in this voters pamphlet. Superior and Supreme Court Judges are also subject to election by the people. The Governor appoints all Supreme and Superior Court Judges in the event of vacancies.

Bob Williams, a ten-year veteran of the Legislature, has a deserved reputation for his experience and effective leadership. He is a common sense, hard working leader and knows a good governor must provide initiative and strong direction for all 39 counties. Bob has the proven ability to get results by working solutions through the legislative process and because of this his colleagues chose Bob as their House Issues Leader. In that position, Bob defeated the current governor's four attempts to raise your taxes. Bob believes no government should ask its citizens for more money until it demonstrates good management of the resources it already has.

Statewide, Bob Williams has been called the budget and tax expert. Serving on the powerful Ways & Means Committee has given Bob hands-on experience in managing Washington's 10 billion dollar budget. As your next governor, Bob will bring common sense spending control to state government while at the same time insisting on maintaining education as the top funding priority. Bob will continue to work to improve and fund our education system.

Bob Williams believes our children are the greatest resource we have and that we are perilously close to losing much of a whole generation to drug and substance abuse. As your governor, Bob will provide leadership in fighting the growing drug battle by providing anti-drug education, rehabilitation and penalties for dealers. Bob will also provide help for families in crisis including quality, affordable child care.

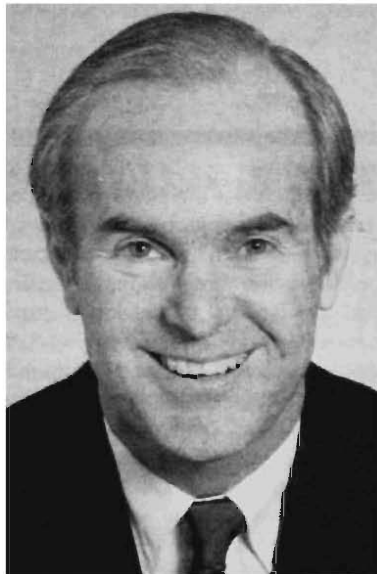
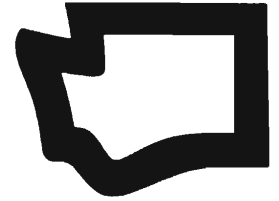
Bob Williams and job development go hand-in-hand. He has received a national business award for his work in developing new jobs through small business which is the backbone of our economy.

Bob Williams, a C.P.A., has been married to Jane for twenty-two years and they have three sons, Rob (20), Kevin (17) and Mike (10).



**Bob
WILLIAMS
Republican**

**Campaign Address:
Bob Williams for Governor
P.O. Box 7704
Olympia WA 98507
Telephone: (206) 352-1842**



**Booth
GARDNER
Democrat**

**Campaign Address:
Booth Gardner Committee
83 S. King St., Rm. 516
Seattle WA 98104
Telephone: (206) 622-6684**

State government must be lean, so it can afford to be compassionate. That requires sound, common sense management – working together and dealing decisively with problems affecting our future.

Here's what we have achieved in the last four years.

In 1985 unemployment was over 10 percent. Today it's near six percent and still declining. More Washingtonians are working than ever – with 400,000 new jobs created, a 22 percent employment increase in under four years, the fastest growth in the nation.

Our industrial insurance system had a huge deficit and soaring rates. Now there's a large reserve, rates are stable, and benefits and services have been improved.

I visited schools to learn their needs. Smaller classes, higher standards and less red tape are among the results.

Welfare should help people find work, not keep them from it. So we fought the federal bureaucracy to begin the Family Independence Plan, which provides training, child care and job search assistance instead of handouts.

Safeguarding our future means protecting our environment. We increased penalties and toughened enforcement of anti-pollution laws, and took action to repair past environmental damage and reduce the flow of nuclear waste into Washington.

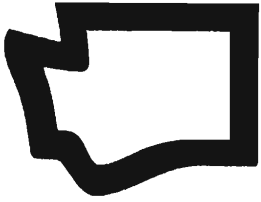
State government achieved \$250 million of efficiencies in my first term. The state budget reserve is \$287 million.

There is still much to do.

Improving access to higher education and meeting transportation needs, achieving better waste reduction and recycling, and ensuring long-term health care for seniors are vital objectives.

For our children, we have to finish what we've started – improving schools, stopping child abuse and combatting drugs.

Working with business and labor, and with people from all walks of life, I'm proud of what we have done. I want your support so we can preserve and improve the quality of life of all Washington citizens. Thank you.



Lieutenant Governor

Office Description: The Lieutenant Governor fills the office of Governor when the latter is absent from the state and succeeds to the Governorship upon the death or resignation of the Governor. During the legislative sessions, the Lieutenant Governor serves as President of the Senate. The Lieutenant Governor currently serves on the State Finance & State Capitol Committees; Legislative Committee on Economic Development (Chairman); Health Care Facilities Authority; Higher Education Facilities Authority; State Medal of Merit Committee and Business License Center Board of Review.



Joel PRITCHARD Republican

Campaign Address:
Committee for
Joel Pritchard
215 W. Harrison
Seattle WA 98119
Telephone: (206) 282-3204

Joel Pritchard cares about Washington's future. Improving education from preschool through college, unsnarling our transportation system, providing necessary care for the elderly, fighting the drug problem, diversifying our economy and preserving our environment are just some of the important challenges facing Washington as it begins its second century. Successfully meeting these challenges will require commitment, perseverance, and, most of all, effective leadership.

Joel Pritchard is a proven leader with over two decades of experience as a State Legislator and Congressman. He has a well-deserved reputation for fairness, integrity, and results — qualities we need in our next Lieutenant Governor.

Joel Pritchard has the ability to bring people of different views together to get things done. As Lieutenant Governor Joel will work to make the Legislature more productive and less partisan. His skills as a statesman will help bring jobs, investment, and tourism to Washington.

Washington's future can be even better than its proud past. We need leaders who listen — leaders who bring people together. Joel Pritchard embraces the high standards that we expect in our elected officials. As Lieutenant Governor, Joel Pritchard will use his energy and dedication to help improve the quality of life for all of us.



George FLEMING Democrat

Campaign Address:
George Fleming for
Lt. Governor
221-1st Ave. W, Suite 105
Seattle WA 98119
Telephone: (206) 285-5743

George Fleming is also a proven leader. He has been Chairman of the Senate Democratic Caucus since 1980. He is the past President of the Economic Development Executives of Washington (EDEW) and is a noted expert on economic development and assisting small businesses. He has led the fight for women and minority's rights, quality education, affordable housing, child care, and the elimination of drugs from our state.

With his experience and leadership skills, George Fleming will serve as a Lt. Governor with impact. He will be an advocate on issues for the citizens of this state and serve as an ombudsman to assist citizens with government red tape. As Lt. Governor, Fleming, will work in full partnership with the Governor and the legislature to assure effective teamwork. In his travels across the state, he has recognized the need of this state's citizens and worked diligently to break down the wall between Eastern and Western Washington, in his words, "there is only *one* Washington."

On a personal note, George lives in King County with his wife Tina and their two (2) daughters. He is employed as Community Development Manager for U.S. West Communications. In 1980, George Fleming was elected to the University of Washington's Husky Hall of Fame for his exploits on the football field and being named Outstanding Player in the 1960 Rose Bowl.

It's time we have someone at the state level listening to all of our concerns and George Fleming has proven that he knows how to get Olympia to listen.

Senator George Fleming will put his experience to work for us as Washington State's next Lieutenant Governor. He has served for the past 20 years in the Washington State Legislature representing the 37th District; two (2) years in the House of Representatives and 18 years in the Senate.

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 serv-

ice 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 71 of this Voters' Pamphlet.

ACCESSIBILITY TO REGISTRATION FACILITIES AND POLLING PLACES FOR THE ELDERLY AND DISABLED

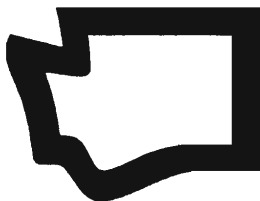
Congress and the Washington State Legislature enacted laws to promote the fundamental right to vote by improving access to voter registration and voting facilities. Election officials are currently implementing these laws by providing accessible voter registration facilities and polling places wherever possible to the elderly and disabled persons. The following additional types of assistance will be provided for elderly and disabled persons by the county auditor.

- Notice to voters assigned to an inaccessible polling place and a list of accessible polling places published in the newspaper before the election;
- Reassignment to an accessible polling place upon advance request;
- Registration and voting instructions printed in large print at registration and voting facilities;

- Assistance at the polling place from two election officials of opposite political parties or a person of the voter's choice for any voter unable to record his or her vote.

In addition, the following types of assistance will be provided for elderly and disabled persons by the Secretary of State:

- Public notice concerning the types of voting and registration assistance available to elderly and disabled persons;
- Braille and cassette copies of the Official Voters' Pamphlet;
- A public information brochure in regular and large print;
- Toll-free Voter Information Hotline:
1-800-448-4881
- Toll-free TDD Hotline (Telecommunications for the Hearing Impaired):
1-800-422-VOTE



Secretary of State

Office Description: The Secretary of State supervises state and local elections, verifies the validity of signatures for initiatives and referenda and produces the official voters' pamphlet. The Secretary of State also registers corporations doing business in Washington, registers organizations involved in charitable fundraising, collects and preserves historical records of the state, and files or attests to official acts of the Legislature and the Governor.



Ralph **MUNRO** Republican

Campaign Address:
Citizens for Ralph Munro
200 West 20th Avenue
Olympia WA 98501
Telephone: (206) 352-6500

During two terms as Secretary of State, Ralph Munro has worked tirelessly to improve elections, to streamline government and make it more responsive. Ralph Munro has lived up to his promise to "help make our state as good for our children as it has been for us."

As the state's chief elections officer, Ralph Munro has been in the forefront of efforts to make every polling place accessible to elderly and disabled voters and to reduce barriers to voter registration. Ralph Munro continues to work to assure that ballot titles are understandable and that voters receive a balanced, objective Voters' Pamphlet before each general election.

Ralph Munro is recognized as one of the driving forces behind the state's "one-stop" business license system. Ralph Munro also heads the Productivity Board, which rewards employees for ideas that cut the cost of government and save millions of tax dollars.

Active and accessible, Ralph Munro keeps in touch with citizens across the state. Whether helping untangle a bureaucratic snarl or promoting Washington's heritage and promise for the future, Ralph Munro knows how to make things and people work together for a better tomorrow.

Ralph Munro's record merits your vote for his re-election.



John O. **McKEE** Democrat

Campaign Address:
John O. McKee for
Secretary of State
800 First Ave N., No. 8
Seattle WA 98109
Telephone: (206) 284-5849

Does your vote count? Yes it does.

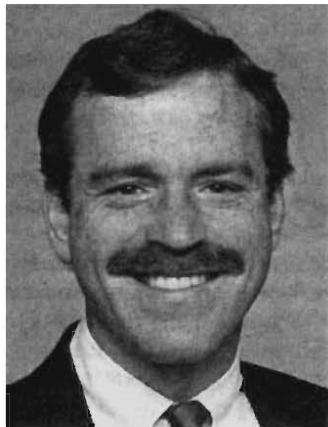
- (1) In 1845, one vote brought Texas into the union.
- (2) One vote decided the District Court Judge race in East King County in 1986.
- (3) In 1868, one vote saved President Andrew Johnson from impeachment.
- (4) Local taxing district's elections have been decided by one vote or a flip of a coin.
- (5) In 1876, one vote gave Rutherford B. Hayes the Presidency of the U.S.
- (6) In 1941, one vote saved selective service just weeks before Pearl Harbor was attacked.

Thank you for exercising your privilege of being able to vote. Some of the above information is credited to the Veterans of Foreign Wars July-August *Veterans News*.

State Treasurer



Office Description: The Treasurer is custodian of state funds, both those on deposit and those invested, and custodian of securities. He keeps account of funds collected, disburses state monies and services bonded indebtedness. As Chairman of the State Finance Committee, the Treasurer oversees and directs issuance and sale of bonds to finance state buildings and facilities and provides grants to local governments.



Andy McLAUCHLAN Republican

Campaign Address:
215 W. Harrison
Seattle WA 98119
Telephone: (206) 283-0953

Senator Dan Evans says, "As the Governor of Washington for 12 years, I know what we need in a State Treasurer. Andy McLauchlan is our best choice. He has exceptional qualifications and character. Andy has the hands-on experience in shaping responsible budgets in both Olympia and our Nation's Capitol. Andy will protect our tax dollars and make secure investments while seeking the highest return."

Andy McLauchlan pledges, "As State Treasurer, I will help families save for their children's future and assist small businesses to create jobs. But above all, I will work towards the best possible return on our investments."

Additionally, McLauchlan proposes:

Education trust fund— helping parents and grandparents save for their children's college education.

Small business partnership— pursuing investments that help our small businesses retain or create jobs.

Taxpayer advocate— working to stop mortgaging our children's future by reducing the \$4.7 billion deficit in the state's pension system.

Experience: Chief Budget & Finance Advisor, Senator Dan Evans; Budget & Management Advisor, Governor's Budget Office; Business Degree in Finance from UW; and Masters in Management from USC.

Endorsements: Business & Professional Women's Association, Women's Political Caucus, New Leadership Fund & thousands of Washingtonians.



Dan GRIMM Democrat

Campaign Address:
201 Elliott Ave. W., #503
Seattle WA 98119
Telephone: (206) 282-9200

Dan Grimm is the only State Treasurer candidate with a 12-year record of managing state finances and a clear vision of how the State Treasurer can strengthen Washington's economic future.

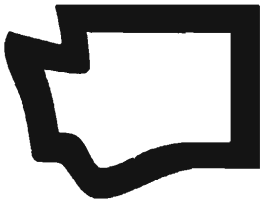
Dan Grimm's proven leadership and his *invest in Washington* agenda are two reasons why Gov. Booth Gardner and retiring State Treasurer Robert S. O'Brien are supporting Dan Grimm.

As a member of the State Investment Board, Dan Grimm helped the state earn more than \$1.15 billion from its investments in 1987 alone. As chairman of the House budget committee, Dan Grimm balanced Washington's budget six straight years during difficult economic times.

For our future, Dan Grimm's *invest in Washington* agenda will: invest more at home, helping our economy; modernize facilities at our colleges and universities; expand our college tuition savings plan; fully fund our public pension systems.

Dan Grimm's *invest in Washington* agenda will put our tax dollars to work in Washington, creating jobs and new opportunities while providing solid returns on sound state investments.

A 1972 graduate of Columbia University, Dan Grimm has served 12 years as a State Representative from Puyallup, where he lives with his wife, Kathy, and their daughter, Whitney K.



State Auditor

Office Description: The Auditor audits all state agencies and local governments and publishes reports on the accuracy and reliability of financial records and reporting, safeguarding of the public's assets, and legal compliance; prescribes uniform budgeting, accounting and reporting systems for local governments; investigates "Whistleblower" complaints by state employees; makes reports and recommendations to the legislature; and provides training to local governments.



Sam REED Republican

Campaign Address:
Citizens for Sam Reed
P.O. Box 522
Olympia WA 98507
Telephone: (206) 352-3932

Sam Reed will be your visible, aggressive public watchdog!
Sam has served for ten years as the elected Thurston County Auditor. Sam is nationally recognized: four Awards for Excellence—Governmental Financial Officers Association; and, six National Achievement Awards— National Association of Counties.

Sam holds a Masters degree from Washington State University and is a Certified Professional Finance Officer.

As your watchdog, Sam Reed will provide aggressive, effective leadership against fraud and abuse. Many people talk about abuses in government spending. Sam Reed will act and act decisively.

It's time for a change!

Fact: The incumbent has been in the Auditor's Office since 1948.

Fact: He told the *Seattle Times* and *The Olympian* that he chose to run again to increase his pension from \$63,400 to \$80,000.

Fact: Although he was the state officer with direct responsibility to oversee WPPSS's fiscal operation, he failed to blow the whistle on that financial disaster. That failure is costing taxpayers, ratepayers, and bondholders billions of dollars.

Fact: HUD, a federal agency, has rejected state audit reports saying they are unsatisfactory.

Fact: It's time for a change!

Vote Sam Reed, your watchdog as State Auditor, for tough, progressive, fiscal leadership for a change.



Robert V. (Bob) GRAHAM Democrat

Campaign Address:
Committee to Re-elect
Bob Graham
State Auditor
P.O. Box 164
Olympia WA 98507
Telephone: (206) 943-1824

State Auditor Bob Graham, called the people's "watchdog" and "window into government," has a record of outstanding service and even-handed reporting. He has maintained the highest standards of honesty, professionalism, and public service.

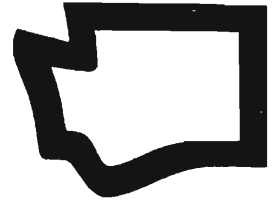
Governor Gardner said: "Bob Graham is an effective fighter for our taxpayers. He calls the shots as he sees them and lets the chips fall accordingly."

Graham knows that leadership and aggressive action are vital for the State Auditor's job. Declaring the state's accounting system "out-of-control," he took a leadership role resulting in Washington being one of eight states to receive the prestigious "Certificate of Excellence in Financial Reporting" in 1988. *Graham gets results.*

He saved taxpayers millions of dollars by aggressive computer use, a fraud prevention program, trimming "fat" from federal and state audit programs, and taking court action that annually brings millions of dollars in increased investment earnings.

"It has been an honor serving you the last four years as your state auditor. The State Auditor's Office is *your* watchdog on the budget and *your* voice for fiscal responsibility. With your vote, I will continue to see that your tax dollars are spent efficiently and wisely. I appreciate your continued support."

Attorney General



Office Description: The Attorney General as the state's chief legal officer conducts the state's legal affairs and represents the people's interests in matters covering the wide diversity of state government functions. He advises state officials so they act in accordance with the law, handles litigation, issues legal opinions, and enforces the Consumer Protection laws and other matters affecting public interests.



**Ken
EIKENBERRY
Republican**

**Campaign Address:
Eikenberry 88 Committee
215 West Harrison
Seattle WA 98119
Telephone: (206) 282-2904**

Attorney General Ken Eikenberry offers a record of vigorous enforcement of consumer protection and environmental laws, new initiatives in the fight against drugs and expansion of the Crime Victims Bill of Rights.

Since 1981, his office has handled over 900,000 consumer protection complaints and secured over \$20,000,000 in awards and penalties.

Eikenberry helped lead the effort to close toxic waste sites, and his office is known for its unblemished record in prosecuting medicaid fraud, political corruption and murder cases. The Attorney General's office has never lost a criminal prosecution case during Eikenberry's eight years as Attorney General.

Eikenberry spearheaded the expansion of our present-day Crime Victims Bill of Rights. He has announced efforts to further strengthen the act during the next session of the legislature, including provisions guaranteeing victims the right to take part in judicial proceedings and giving crime victims a means to enforce restitution from criminals. He secured passage of new laws which make it a felony to defraud senior citizens of their home equity.

Eikenberry strongly supports drug testing for those arrested for violent crimes, and enforcement of laws that would force drug traffickers to forfeit property acquired through illegal drug sales.



**Bill
ERXLEBEN
Democrat**

**Campaign Address:
Erxleben for Attorney General
201 Elliott Ave. W.
Suite 505
Seattle WA 98119
Telephone: (206) 285-3839**

"Our State Attorney General is 'Washington's lawyer'. We should expect strong, visible, active leadership. Leadership that makes a difference.

I believe in government with courage – the courage to fight corruption, to lead unpopular causes, to tackle tough problems where no easy answers exist, and to excel in the delivery of services to the public.

The last eight years under Ken Eikenberry have been disappointing. We have not focused resources on fighting drugs; we have not had strong consumer protection programs; we have not prosecuted hazardous waste polluters.

The public interest has not been well served.

With your vote, we can make a change. You deserve excellence, and that's my commitment as 'Washington's lawyer'." Bill Erxleben

Bill Erxleben has a record of accomplishment that will make a difference. Twenty years legal experience as a Federal Prosecutor, Regional Director of the Federal Trade Commission, Assistant State Attorney General, faculty member at the University of Washington and now as a partner in one of the largest law firms in the Northwest make *Bill Erxleben* Washington's best choice.

Bill and his wife Gayle reside in Bellevue. They have two children: David, a U.W. sophomore, and Jennifer, a senior at Newport High School.



Superintendent of Public Instruction

Office Description: "The Superintendent of Public Instruction shall have supervision over all matters pertaining to the public schools and shall perform such duties as may be prescribed by law." (Art. III state Constitution.) As President of the State Board of Education and head of the state educational agency, the Superintendent is responsible for administration of the K-12 state education program. Elected every four years, this position is the only non-partisan office among the nine statewide elected officials. The Superintendent is a member of the Board of Natural Resources; Chair, Washington State Library Commission; member, Commission for Vocational Education and Traffic Safety Commission.



Denny HECK Nonpartisan

Campaign Address:
Heck for S.P.I.
1516—2nd #103
Seattle WA 98101
Telephone: (206) 583-0702

Denny Heck is the only SPI candidate who has worked both in Washington schools and in the legislature, where education policies and funding are determined. Heck was the author of the state's Basic Education Act, and served with distinction as Co-Chair of the House Education Committee. He is also the author of a critically acclaimed book on Washington's schools. He has been endorsed by an impressive range of people and organizations in education, business, labor, politics and parent groups.

Denny has already demonstrated that he can get all of these groups working together to transform our schools.

Denny's wife is a middle school vice principal. Their son will graduate from high school in the year 2003. Denny shares the concerns of all parents who want schools that are drug free, up-to-date in their curriculum and technology, and staffed by decently paid and highly motivated teachers.

Denny Heck is determined to cut the education bureaucracy, re-tune control and accountability to parents and to teachers and principals in school buildings, reduce the dropout rate, strengthen vocational programs, and expand pre-school programs for low-income children.



Judith BILLINGS Nonpartisan

Campaign Address:
P.O. Box 21786
Seattle WA 98111-3786
Telephone: (206) 281-8244

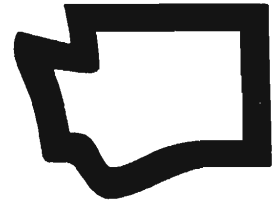
Experience counts when it comes to our children and their education. Judith Billings has 24 years of educational experience at the local, state and federal levels. She has been a classroom teacher, local administrator, state director of the federal program for disadvantaged youths and a key education policy advisor to the U.S. Congress. She knows the problems of our schools and has successfully worked to build bipartisan solutions that are already helping our children.

Like you, Judi has seen our political leaders allow our schools to slip from nationally recognized excellence to mediocrity over the past 10 years.

Judith knows we cannot afford endless political debates or bureaucratic studies of our schools — that we must act *now*. Her broad experience tells her what has to be done. Judi will form a bipartisan coalition of parents, teachers, politicians, business leaders and concerned citizens *to build the best education system in America*.

Judith Billings knows the next Superintendent of Public Instruction must speak out on the problems of education. She will be a fearless and outspoken advocate for our children. Judi has the energy, the commitment and the leadership skills to bring quality back to our children's schools.

Commissioner of Public Lands



Office Description: As administrator of the Department of Natural Resources, the Commissioner of Public Lands is responsible for managing five million acres of state-owned forest, agriculture, urban and aquatic lands to provide trust income, habitat and recreation. The Commissioner also oversees fire protection and forest practices on state and private forests, and chairs the Board of Natural Resources and Forest Practices Board.



Brian BOYLE Republican

Campaign Address:
**Committee to Re-elect
Brian Boyle**
215 West Harrison
Seattle WA 98119
Telephone: (206) 284-5640

Since 1981, Commissioner of Public Lands Brian Boyle has managed our state's precious natural resources by carefully balancing the need to fund *education*, protect our *environment* and build our *economy*.

Education—Under Boyle's management, Washington's five million acres of trust lands have earned over \$1 billion for our public schools,

universities, counties and other institutions, including a record \$195 million last year . . . money taxes didn't have to raise!

Environment—Boyle established conservation areas to protect outstanding scenic, ecological and recreation areas; transferred 8,000 acres for new state parks; and created the Aquatic Lands Enhancement Account providing \$3 million annually for public shoreline access and environmental protection projects.

Economy—Boyle stabilized state timber sales volumes, helped negotiate the historic Timber-Fish-Wildlife agreement, and founded the Evergreen Partnership to market Washington's finished wood products worldwide.

Boyle has worked for all Washington's citizens. Your vote will keep him working . . . leading the fight against deadly plastics polluting our waters . . . exploring alternatives for managing our old growth forests . . . providing jobs in our forest products industry . . . and ensuring the needs of our most precious natural resource—our children—are met by re-establishing a permanent fund to provide adequate and stable funding for our public schools.



Mike MURPHY Democrat

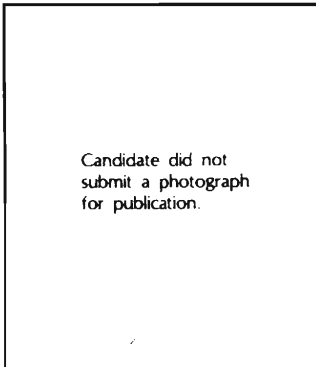
Campaign Address:
People for Mike Murphy
822 Governor Stevens
Olympia WA 98501
Telephone: (206) 754-4638

Mike Murphy was born and raised in timber country and knows the importance of a thriving wood products industry and the need for a clean environment. A Grays Harbor County Commissioner for the

past twelve years, he has worked to attract new industry and create jobs while supporting Bowerman Basin as a wildlife refuge, preserving agricultural land and preventing the filling in of wetlands.

Murphy, 46, is a Navy veteran, past president of the Washington State Association of Counties (named Outstanding Commissioner, 1984) and past state President of the JayCees. He received the Environmental "Good Guy" Award from Governor Dan Evans for his beach cleanup program. Murphy instituted a unique program that allows Grays Harbor County to manage its own tax title timber land and that program has accumulated a cash reserve. He believes he could do the same managing our state public lands, making more money available for school construction.

We are at a crossroads in the management of our public lands; the future of our schools depends on our choosing the right course. It will require courage and leadership to make the tough decisions. Murphy has proven he has what it takes.



Bill (Choctaw) SIMMONS New Alliance Party

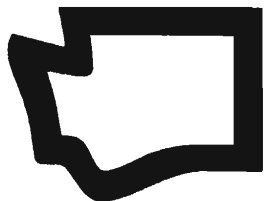
Campaign Address:
New Alliance Party
1900 E. Madison, 2nd Floor
Seattle WA 98122
Telephone: (206) 328-9456

Native American leader Bill Simmons is a registered member of the Choctaw Tribe of Oklahoma. Raised in Oklahoma, he has been active throughout his life in promoting the social, cultural, spiritual and

traditional values of the Indian people. Before becoming a resident of the state of Washington in 1983 he worked in various Indian community and public service projects throughout the state of California.

Indian tradition teaches the importance of all life and the importance of land as the basic resource. Simmons is in a unique position to address the negligence and abuse of the natural resources of the state of Washington.

Simmons is running on the ticket headed by Dr. Lenora B. Fulani, the African-American independent candidate for President of the United States who has made environmental protections and the development of non-nuclear safe energy resources a priority, and has militantly stood for the rights of Native Americans. Bill Simmons' campaign is strengthening the alliance between native Americans and African-Americans, which is based not only on their common oppressions but on a commitment to social and economic justice for all people, and to peace.



Insurance Commissioner

Office Description: The Insurance Commissioner has responsibility for: ensuring that insurance companies doing business in Washington comply with state laws, including maintaining financial solvency and ability to pay claims, and treat policyholders fairly; overseeing testing, licensing, continuing education and professional conduct of 28,000 insurance licensees; collecting all taxes and fees assessed insurance companies; and educating, informing and assisting the public in complaints against, or dealings with, insurance companies.



**Richard G. (Dick)
MARQUARDT**
Republican

Dick Marquardt has earned a national reputation as a fighter for consumer rights. A Seattle resident, Dick served one term in the State Senate before being elected Insurance Commissioner in 1976.

Dick stopped the "junk mail" marketing schemes and blew the whistle on misleading TV pitchmen. His Consumer Watchdog Committee is looking into age-rating in health insurance, insurance problems of disabled people, adult day-care facilities and non-profit groups. His volunteer advisors help thousands of senior citizens make the right choices in health insurance.

Dick believes people have a right to insurance at an affordable price and that motorists have the right to expect all drivers to be insured. Dick points out that Washington ranks 9th among 13 western states in average auto insurance costs and says he'll work with legislators to make auto insurance mandatory.

"My job is to make sure companies figure expenses and rates fairly, so you're not paying too much compared to what they pay out," Dick says. "Promises are easy, especially in an election year, but delivering on those promises is something else entirely. I've been on the front line, fighting for the best interests of consumers – not taking cheap shots from the sidelines – and there at the front, standing up for your rights, is where I want to stay."



**Al
RAINWATER**
Democrat

Campaign Address:
Citizens for Al Rainwater
P.O. Box 111913
Tacoma WA 98411
Telephone: (206) 475-4971

Al Rainwater has been endorsed by U.S. Senator Brock Adams, Congressman Norm Dicks, Governor Booth Gardner, Speaker of the House Joe King, the Washington State Labor Council, the Washington State Democratic Party and numerous others.

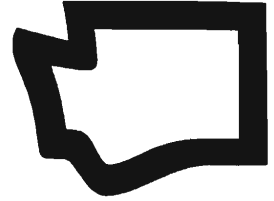
Why?

First, Al Rainwater, unlike his opponent, *has not* accepted and *will not* accept contributions from insurance companies through their executives. Al Rainwater believes it is a conflict of interest to accept such contributions. Rainwater agrees with the *Seattle Times* who urged the incumbent to solicit contributions from "more individuals whose only connection to the insurance industry are the premiums they pay on their policies."

Second, Al Rainwater has a program for change in the Insurance Commissioner's office: mandatory auto insurance, higher standards to protect seniors from confusing health policy presentations, timely reimbursements to policy holders, and company accountability for cancellations and non-renewals – for daycare centers and other small businesses as well as for individuals.

A former teacher and football coach, Al Rainwater is a past member of the Insurance Commissioner's Advisory Board. "As an insurance agent and broker for 27 years I represented consumers. As Insurance Commissioner I will return fairness, independence, and policy holder rights to this office – for a change."

Superior Court Benton/Franklin Counties, Position 4



Carolyn BROWN Nonpartisan

Campaign Address:
Committee to Elect
Carolyn Brown
Superior Court Judge
P.O. Box 1900
Richland WA 99352
Telephone: (509) 627-0605

Carolyn Brown believes that the court is meant to serve the people each person's case is unique. As Superior Court Judge, Carolyn will use her extensive background and legal knowledge with consideration and respect for the people in court.

Carolyn Brown is committed to public service. As a deputy prosecuting attorney for Benton County, she has effectively prosecuted criminal cases in District Court, Juvenile and Superior Courts. As Chief Civil Deputy, Carolyn provided legal guidance to county officials and county departments.

As a Senior Felony Deputy, Carolyn Brown works closely with victims and law enforcement agencies. Carolyn has the support of local law enforcement agencies, because she successfully takes the difficult cases to trial and works closely with law enforcement officers to develop strong, error-free cases.



H. W. (Pete) FELSTED Nonpartisan

Campaign Address:
4920 W. Margaret
Pasco WA 99301
Telephone: (509) 943-5045

I feel that my 14 years as a Franklin County District Court Judge makes me the most qualified candidate for Superior Court Judge.

I have tried during my years on the bench to be not only a student of the law but an observer of people and their problems. It has always been my goal as a judge to be fair to both sides and listed carefully. I want them to know I heard their position, that they had their day in court, and that they had a fair trial.

I have been a continuous resident of Pasco for 22 years. All of my 6 children have attended Pasco schools and I have been extensively involved in community service, from PTA president to the Goodwill board of directors.

I have the support of the Franklin County Sheriff and his department, as well as numerous other local law enforcement personnel and a majority of attorneys with whom I have worked.

I hope the residents of Benton and Franklin counties will recognize my qualifications and commitment and cast their votes for me on November 8th.

Pete graduated, Bachelor of Science, from Brigham Young University, 1961, Jurist Doctorate, University of Idaho, 1966.



State Senator Third Legislative District

Republican – No candidate filed.



**Lois J.
STRATTON**
Democrat

Lois J. Stratton, 38-year resident of the Third District, seeking second term to Senate. Appointed to House of Representatives in 1979, elected in 1980, and re-elected in 1982. Elected to Senate in 1984.

Serves on Energy & Utilities Committee and Children & Family Services Committee. Chairman of Eastern Washington Caucus, serves on Governor's Commission on Children, Washington State Centennial Commission, Nuclear Waste Board, Sentencing Guidelines Commission, Hazardous Materials Committee, Municipal Research Council and DSHS Citizen's Advisory Council on Alcoholism & Drug Addiction. Also serves on many community boards, including Vanessa Behan Crisis Nursery Board, Regional Center for Child Abuse and Neglect, and Washington State Substance Abuse Council Advisory Board. Has a nine-year established record of working hard for the people in the Third District, and is a special champion of legislation affecting drugs, children, youth and families, and senior citizens. Demands accountability as a legislator to constituents of the Third District in opposing any more taxes.

State Representative Third Legislative District



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Candidate did not submit a photograph for publication.

Anthony ALEXANDROVICH Republican

Anthony Alexandrovich, a long-time resident of the 3rd District, is concerned with taxes, small businesses and law enforcement.

Better spending habits, not increasing taxes of financially strapped families, are the answer.

Small businesses are the backbone of this district. They need an environment to stimulate growth, not excessive regulations that cause stagnation.

Government should aid law enforcement agencies by providing them with the "necessary tools", such as one-party consent, to help make our neighborhoods a safer place to live.

Anthony is active in his church and has worked with youth in the community.



Bill DAY Democrat

Campaign Address:
P.O. Box 9161
Spokane WA 99209
Telephone: (509) 328-9227

Representative Bill Day has a record to be proud of! Bill is a leader in passing legislation protecting senior citizen rights and offering innovative proposals that truly create jobs.

Bill vows to continue the fight to give Eastern Washington issues the attention and fairness they deserve. Some politicians talk a lot, but the record is clear, Bill Day delivers.

Maple Street's toll removal is closer than ever, due to Bill's efforts as a member of the Transportation Committee.

Bill and his wife Debbie have three children. The Days are members of Mary Queen Parish. Bill is a business consultant.

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Roy STEWART Republican

Campaign Address:
Citizens to Elect
Roy Stewart, GOP
E. 807 Nebraska
Spokane WA 99207
Telephone: (509) 489-7229

Roy Stewart, a lifelong resident of the Third District supports strong efforts and swift results to win the war on drugs.

A former member of the Operating Engineers Local and currently an administrator, he believes the people should have an active role in issues like the Mass Burn Incinerator Plant. He believes that those who pay the bills should decide how that money is spent.

Small business is the heartthrob of this state, but owners are burdened by escalating costs. A legislator works for small business growth. A healthy economy benefits everyone, even those on fixed incomes. Register and vote.



Dennis DELLWO Democrat

Campaign Address:
Committee to Re-elect
Dennis Dellwo
W. 2636 Riverview Dr.
Spokane WA 99205
Telephone: (509) 327-9445

Dennis Dellwo is currently serving his 6th year as State Representative from the 3rd District. He is the Majority Whip, member of the Ways and Means, Financial Institutions and Insurance, Rules Committees and is chairman of the Organized Crime Advisory Committee.

Dennis, a lifelong resident of Spokane County, is a graduate of Gonzaga Prep, Gonzaga University and attended Gonzaga Law School. He is an attorney with the firm of Winston and Cashatt and is also an adjunct professor at Gonzaga University.

Dennis is married to the former Jeannine Roe and has a two year old daughter, Allison.



State Senator Fourth Legislative District



**Bob
McCASLIN**
Republican

When Bob McCaslin was elected to the State Senate, he promised he would fight against high taxes and wasteful government spending.

Senator McCaslin pledged he would fight to stop the expansion of the size and cost of state government.

He promised he would fight for the right of people in our area to determine their own future at the ballot box.

Senator Bob McCaslin has kept his promises.

Senator McCaslin has fought against recent tax increase proposals and for state budgets that hold the line on spending.

Bob McCaslin is a successful independent businessman and former union member who has been fighting to reduce government regulations so business and labor can work together to create new jobs.

Bob is fighting for tougher laws against crime and strongly supports Spokane County law enforcement efforts to stop Los Angeles-style drug gangs from migrating to Spokane.

Senator McCaslin is chairman of the Senate committee that decides the fate of all legislation dealing with local governments—a position that is of vital importance as our area seeks to establish its own independent identity.

Senator Bob McCaslin keeps his promises.

Let's keep him fighting for us.



**Ron
SCHMIDT**
Democrat

**Campaign Address:
Committee to Elect
Ron Schmidt
P.O. Box 727
S. 2011 Conklin Road
Veradale WA 99037
Telephone: (509) 922-8001**

As a State Senator, Ron Schmidt will provide the leadership that has been lacking in the Fourth District. Ron knows the value of a *teamwork* approach to benefit the district. Instead of fighting with our local representatives, Ron will work with them.

Ron Schmidt's grandparents homesteaded in the Spokane area and Ron holds the same beliefs his grandparents held: people helping each other, growth and prosperity through hard work, being tough on crime, providing a good education, and taking care of the elderly. *Ron Schmidt's teamwork approach of working with all of the Eastern Washington representatives will achieve approval of vitally important legislation in these areas.*

Ron Schmidt is for the people. He listens, plans and gets the job done.

Ron Schmidt, 51, is an administrator at Spokane Community College. A Spokane native, Ron attended school in Spokane and graduated from Eastern Washington University. With seven children and seven grandchildren, Ron and his wife, Sharran, also have a strong family life.

Ron Schmidt will take the common sense community attitudes to the legislature where he will be a dynamic and effective State Senator for the Fourth District.

State Representative Fourth Legislative District



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Charlie WOLFE Republican

Campaign Address:
Citizens for
Charles R. Wolfe
E. 16320 Lincoln Road
Spokane Wa 99207
Telephone: (509) 924-1412

Charles R. "Charlie" Wolfe has been a small business owner in the 4th District for 28 years. Married for 31 years, Charlie and his wife, Pat, have three sons.

Wolfe is a physician with a Master's Degree in Public Health and special training in Toxicology and Infectious Disease Control. Charlie is knowledgeable about such diverse subjects as AIDS, waste to energy, and toxic wastes.

Charlie brings to the Legislature a strong concern for family values, quality education and responsible taxation policies. *He opposes a state income tax.* He favors policies which will promote growth of small businesses and encourage job creation.



Sally (Sal) JACKSON Democrat

Campaign Address:
Committee to Elect
Sally Jackson
E. 12012 Sprague
Spokane WA 99206
Telephone: (509) 922-6629

Whether we're Independents, Democrats or Republicans, our concerns are the same. We want our children to be well educated and protected. We want rewarding jobs for ourselves, and a diverse job market which will allow our children to remain in this area. We want a drug-free, crime-free, pollution-free environment. And we want the right to vote on large issues which affect Spokane area citizens.

These are your concerns and my priorities.

Born and raised in our Fourth District with a background in education, business and community service, I look forward to serving my fellow Fourth District residents.

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Mike PADDEN Republican

State Rep. Mike Padden has represented Spokane Valley since 1981. He is currently serving on the Judiciary, Human Services, Housing and Rules committees.

Rep. Padden, a strong voice for Eastern Washington, is a solid advocate for family values, against higher taxes and for more tools for law enforcement to fight the war on drugs. He sponsored successful legislation during the last session that restricted the so-called "dial-a-porn."

Rep. Padden, his wife Laura, and their children, Justin, Shaun, and Andrew, Timothy and Brandon reside in the Spokane Valley.

Rep. Padden is a practicing attorney in Spokane.



Dale McLEOD Democrat

Campaign Address:
Committee to Elect D. M.
626 N. Mullan Rd. Suite 9
Spokane WA 99206
Telephone: (509) 922-8010

Dale is a Washington state native, married 34 years with 3 sons, Marine Corps veteran, non-smoker and retired Washington State Patrol sergeant. "Police experience will help me to enact more legislation protecting the public, not the criminal. Drug abuse must be stamped out. Seniors need more benefits. Quality education and a state university in Spokane will help provide economic development and jobs. A decent minimum wage, the environment and the right to vote on public issues are also high priority.

A strong Eastern Washington team in the majority party will get more legislation favorable to us without additional taxes."



State Senator Fifth Legislative District



Gerald L. (Jerry) **SALING** Republican

Campaign Address:
Committee to Re-Elect
Sen. Gerald L. (Jerry) Saling
P.O. Box 18645
Spokane WA 99208

Senator Jerry Saling has served three terms in the House and one term in the Senate with strong leadership that gets results for Spokane. Committee assignments are: Chairman of the Senate Higher Education Committee, member of the Ways and Means Committee and the Senate Economic Development and Labor Committee. He also serves on several interim committees.

As Chairman of the Higher Education Committee, Senator Saling was instrumental in passing the goals of the landmark Higher Education Coordinating Board's 'Master Plan' for excellence in state colleges and universities. He won approval of \$800,000 to buy land for Spokane's Intercollegiate Institute for Research and Technology.

A lifelong resident of North Spokane County, Jerry Saling was an educator and Spokane Falls Community College President before his election to the Senate.

Senator Saling wants to continue his efforts to create jobs in Spokane, help senior citizens receive quality health care, promote cooperation between all levels of education, and stop the drug problem in our area. That is why Jerry Saling supports the 'One Party Consent' proposal, known as Initiative 98, to give law enforcement officers an effective tool to stop illegal drug trafficking.

Senator Saling is a leader who gets results for Spokane.



George **CRITCHLOW** Democrat

Campaign Address:
People for
George Critchlow
2702 Northwest Boulevard
P.O. Box 10177
Spokane WA 99209
Telephone: (509) 328-3445

Born in Spokane, George Critchlow has spent his professional career helping senior citizens, families in conflict, and disabled people. George graduated from the University of Washington and returned to Spokane where he completed law school at Gonzaga University in 1977. He has been a member of the Gonzaga faculty since 1980, and is Associate Director of the University's non-profit Legal Assistance program.

As an educator and attorney, George has helped thousands of Spokane area residents find solutions to family conflict, drug abuse, lack of affordable health care, and unemployment. He believes state government's most important responsibility is to help with the basics — good jobs, quality education, drug abuse prevention, and a safe environment — while protecting people from unfair taxation and wasteful government spending. Everyone benefits when people are on payrolls rather than welfare rolls.

George knows how to listen, and stands up for people from all walks of life. The 5th District needs someone in Olympia with enthusiasm, experience, and commitment. As State Senator, George Critchlow will be a leader capable of actively solving today's problems and planning for tomorrow's possibilities.

State Representative Fifth Legislative District



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Jean SILVER Republican

Campaign Address:
Committee to Re-elect
Jean Silver
N. 7102 Audubon Dr.
Spokane WA 99208
Telephone: (509) 325-5095

Jean Silver, Certified Public Accountant, has the experience and qualifications to deal with the state's complex finances. Jean, a chairperson of Appropriations Committee, is an expert on state expenditures. She supports essential services that impact the health, safety and education of our citizens.

Jean is an effective voice in Olympia with positive results for Eastern Washington. She monitors accountability in government programs to assure the best return on taxpayer's dollars.

A 37-year resident of the 5th District, Jean is seeking a fourth term and says, "My job is to represent the people by listening, assisting and responding."



Cheri MOORE Democrat

Campaign Address:
Committee to Elect
Cheri Moore
N 5428 Cannon
Spokane WA 99205
Telephone: (509) 326-4537

Cheri Moore was born and raised in Portland, Oregon, where she attended Benjamin Franklin High School. She attended Northwest Christian College and The University of Oregon. Majored in Home Economics. Cheri and her husband Greg have made their home in Northwest Spokane for the past five years. They have two children.

Issues important to Cheri include . . . excellence in education, improved foster and child care laws, environmental responsibility.

"Together we can meet the needs and solve the problems of the 5th District."

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Gary BUMGARNER Republican

The learning process for a freshman legislator is a challenge I've met. I am proud to have sponsored several pieces of legislation which became law. One of them created the reward system of turning in drug dealers.

I was privileged to serve the House as a member of the Health Care, Local Government and Natural Resources Committees.

During my first term I confirmed it's possible to live within available revenues and tax increases should not be necessary but, we will have to prioritize our spending proposals. That will take experience and I offer my experience for another term.



Shirley RECTOR Democrat

Campaign Address:
Committee to Elect
Shirley Rector
P.O. Box 10104
Spokane WA 99209
Telephone: (509) 325-1427

Shirley Rector pledges to you, the voters of the 5th District, to listen and to responsibly address the critical issues of the 90's. Shirley believes the true measure of leadership is the willingness to protect those who cannot protect themselves. Shirley is especially concerned about those who are vulnerable in our society: children and the elderly.

Shirley is a long time Kaiser employee. She recognizes the need for economic opportunity for all the citizens of the district. Shirley is a hard worker and active member of the community. She uses common sense and is not afraid to make tough choices.



State Representative Sixth Legislative District

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Duane **SOMMERS** Republican

Campaign Address:
Citizens for
Duane Sommers
S. 2812 Wall
Spokane WA 99203
Telephone: (509) 747-2243

Duane Sommers, experienced legislator and small business owner, is serving his second year in the House.

Duane has an extensive background of over 25 years in working with government agencies. As a fiscal conservative, he believes government managers should be effective and operate within budget constraints. And, that government growth and tax increases restrict economic growth.

He serves on the House Environmental Affairs Committee and the Joint Select Committee on Solid Waste Management. He also is a member of other committees including, Health Care, Transportation, Pension Policy and Legislative Ethics.

Duane and his wife, Mae, have four grown children.



Gracie **CHAPA-VOJTKO** Democrat

Campaign Address:
Committee to Elect
Gracie Chapa-Vojtko
W. 1011 25th
Spokane WA 99204
Telephone: (509) 244-2844

Gracie Chapa-Vojtko's military experience taught her that hard work and determination do make a difference. Eastern Washington needs Gracie's energetic commitment for social and economic development.

Gracie, a hospital pharmacy technician, knows that senior citizens need protection from those who would deregulate nursing homes. She understands that the children of working parents deserve decent daycare. She supports measures that would make Washington's education system even better. Gracie feels that people should make a livable income legally. And she stresses that everyone's civil rights are precious.

Gracie's motivated voice will speak for all of us in the 6th District.

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John **MOYER** Republican

John Moyer believes that each citizen has the responsibility to share concerns and solutions. John listens and learns, earning the 6th District's bipartisan support and trust.

An active leader in health organizations, John has been a practicing physician in Spokane for 33 years.

His priorities focus on families and health, prenatal care, single parenting, job and educational opportunities, fiscal responsibility, day care, teen pregnancy, the elderly, AIDS, and physical and drug abuse.

He is an active promoter of increased trade and economic development between Eastern and Western Washington.

John cares deeply for people, his community and Eastern Washington.



James J. **McAULEY** Democrat

James J. McAuley, the Irish-born poet of international fame, founded the Creative Writing Program at E.W.U., where he has taught since 1970. His wife, Deirdre, is a home-care R.P.T. His life's passions are poetry – and politics.

He is making a special effort to persuade those who have 'dropped out' of the electorate, to feel their votes do count.

He offers a clear, enthusiastic voice from Spokane for regional development that reaches everyone – not just handouts for a handful. He offers himself as a year-round representative – not just a ninety-day wonder in Olympia.

State Representative Seventh Legislative District



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**Steve
FUHRMAN**
Republican

Representative Steve Fuhrman has effectively helped people of the 7th District. His work on rural education and interest in handicapped persons led to his assignment by the Governor to the Commission on Children.

Steve Fuhrman will take steps to help people by fighting drugs, creating jobs, solving problems and moving people from welfare to work.

He is recognized statewide as a hard-hitting tax fighter. Since being elected in 1982, his efforts to control state spending and limit tax increases resulted in positions on Ways & Means and the Legislative Budget Committees. His record clearly shows hardworking, effective leadership.



**Ed
GRAY**
Democrat

Campaign Address:
Committee to Elect
Ed Gray
P.O. Box 7
Colville WA 99114
Telephone: (509) 684-2666

Ed Gray, a physician, is a lifelong 7th District resident. He is a strong family man, married for 35 years, has 3 children and 2 grandchildren. He knows the value of caring and effective leadership.

Ed's experience in working with leaders in tourism, education, health, business, industry and government will bring the best results for the 7th District. His leadership in health care has demonstrated what he can accomplish.

Ed Gray will work to develop economic strength in the 7th District, thus providing an environmentally sound, and economically feasible future for ourselves and our children.

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**Marian
McCLANAHAN**
Republican

Campaign Address:
Citizens for
Marian McClanahan
Route 5, Box 76A
Riverside WA 98849
Telephone: (509) 826-1386

I believe that state government should operate within available revenue, just as Washington families must live within earned income. In order to do this, families control spending habits. Spending control is needed in state government . . . not more taxes. Controlled state spending and reduced government regulation would encourage economic growth, which in turn would create needed jobs, and produce the revenue required for a limited government in a society based on strong family values.

I favor full funding of the state pension funds and a 2 percent reserve fund to take care of economic downturns. I oppose a state income tax.



**Tom
BRISTOW**
Democrat

Campaign Address:
P.O. Box 634
Colville WA 99114

Tom Bristow has proven to be an outstanding Representative for the people of the 7th Legislative District. He has established a remarkable record of effectiveness.

"7th District residents deserve a legislator who understands their problems and concerns, who works hard to represent their interests, and who knows how to turn their wishes into good legislation."

Tom Bristow has been serving our community for years – as a concerned parent, an active citizen, and, most recently, as our State Representative. Tom is our strong voice in Olympia.



State Representative Eighth Legislative District

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Larry HALER Republican

Campaign Address:
Committee to Elect
Larry Haler
P.O. Box 1706
Richland WA 99352

Larry Haler has lived in the Tri-Cities for 14 years. Larry has been active in the Kiwanis, Hanford Family and chairman of the Benton County Republican Party.

As a former union steward and adult educator, Larry believes that jobs, education and crime are the major issues that must be addressed by state government.

Larry's experience in government and education make him uniquely qualified to serve the people of Benton County.

Electing Larry Haler will mean that our communities, our families, our future is in the hands of someone who knows and understands us.



Jim JESERNIG Democrat

Campaign Address:
Committee to Re-Elect
Jim Jesernig
P.O. Box 7211
Kennewick WA 99336

Jim Jesernig has shown that hard work and dedication do make a difference. Winning battles on Hanford, higher education funding and economic development for his district, Jim has earned a statewide reputation as an effective and tireless advocate. His selection as Assistant Majority Whip brought his constituents representation in the majority party leadership.

Jim was raised in the Tri-Cities, graduating from Kennewick High School, WSU (where he was named All-American in track and field) and the UW Law School. Jim and his wife Cathy live in Kennewick and are members of the Tri-City Community Church.

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Shirley W. HANKINS Republican

Campaign Address:
Committee to Re-Elect
Shirley Hankins
1935 Hetrick Ave.
Richland WA 99352
Telephone: (509) 943-4826

Representative Shirley Hankins continues to serve the interests of Benton County District 8 in an intelligent, influential and energetic manner.

With solid voter support, she has served four terms in the Legislature, building an excellent record. Rep. Hankins combines an excellent technical background with community, business, educational and labor interests, giving Benton County a highly respected and effective voice in Olympia.

She holds important legislative positions benefiting highways and business development in the area, and was instrumental in boosting state efforts on behalf of Tri-City economic diversification and jobs. Representative Hankins deserves *your* vote for re-election!



James LEIBOLD Democrat

Campaign Address:
Leibold Campaign Committee
1111 South Irby
Kennewick WA 99337

Jim Leibold since 1948 has wanted the Eighth Legislative District to succeed. Jim has 27 years of public service experience as a former state representative and mediator to do so.

As a former business representative for IBEW Local 112 and World War II veteran, Jim knows that the strength of the Eighth District hinges on the growth of jobs, commerce, tourism, agriculture and Hanford's defense role. Jim, as a senior citizen, knows that youth and the elderly deserve support by ensuring good schools and decent health care.

Success for the Eighth Legislative District is spelled "L-e-i-b-o-l-d".

State Senator Ninth Legislative District



E. G. (Pat) PATTERSON Republican

Campaign Address:
Patterson Campaign
P.O. Box 547
Pullman WA 99163
Telephone: (509) 334-3629

Senator Pat Patterson has served the citizens of the large, diverse 9th Legislative District since 1972 when he was elected to his first of four terms in Washington's House of Representatives. Pat quickly established himself as a dedicated and hardworking member of the Legislature, rising to leadership positions in the Republican Caucus. He was appointed in the important Legislative Transportation Committee, and is current Vice Chairman.

Pat was elected to the Senate in 1980. He serves as chairman of Senate Transportation Committee, Vice Chairman of Senate Higher Education Committee, and is a member of the Senate Environment and Natural Resources Committee. Pat's bipartisan approach to legislation has won praise from Republicans and Democrats alike, and his strength and consistency on issues such as tax reform has won the respect of 9th-District voters.

A Pullman native and graduate of Washington State University, Pat returned to WSU after serving his country as an Infantry Officer in WWII. He was Director of Alumni Relations for 26 years during the university's most dramatic growth period. Pat established the WSU Scholarship and Development Program, enabling thousands of deserving students to obtain a college education.

Pat and his wife Maxine have seven grown children.



Tom BAILIE Democrat

Campaign Address:
Committee to Elect
Tom Bailie
P.O. Box 57
Mesa WA
Telephone: (509) 265-4511

Tom Bailie knows effective leadership means staying in touch with the people who live in the Ninth District. It means understanding their diverse interests and concerns from agriculture to timber, from education to small business.

Tom is aware that economic development means secure families, jobs, quality education, health care and survival of the cities and towns in the Ninth District. He will work for legislation that will allow us to use our abundant resources to bring jobs and dignity back to this area of the state.

Quality education is a major concern for Tom. As a father of five and a grandfather, he believes the type of education we are able to give our children is an investment in the future of our communities. He will fight to retain the rural schools and make sure WSU gets its fair share of the state's educational budget.

On the leading edge for government accountability, Tom is not afraid to speak out on the tough issues. An active community leader, Tom is a board member for the Bailie Memorial Youth Ranch and a member of the Washington Cattlemen's Association.

Tom is a third-generation farmer. He and his wife Linda live near Mesa, Washington.



State Representative Ninth Legislative District

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**Darwin
NEALEY**
Republican

Darwin Nealey is completing his third term as 9th District Representative. He has established a record of working hard and listening to the people of the district.

Darwin is the ranking Republican member of the Agriculture and Rural Development Committee and serves on the Local Government Committee, Ways and Means Appropriations Subcommittee, and the Water Use Efficiency Subcommittee. He is also a representative to the National Conference of State Legislators.

A graduate of WSU and a farmer for over 40 years, Darwin is well acquainted with the unique needs of the district. He and his wife, Evelyn, live in LaCrosse.



**Victor
MOORE**
Democrat

Campaign Address:
Committee to Elect
Victor Moore
P.O. Box 294
Pullman WA 99163
Telephone: (509) 332-4872

Victor Moore is a retired teacher and environmentalist who is *fed-up with good ol' boy politics!* He wants to narrow the gap between *haves and have-nots*. Minimum wage, comparable worth and taxation based on ability to pay taxes are Vic's concerns. He knows our *information age* requires educational support from K through college.

Victor Moore wants a clean environment for the 9th District. He is chairman of the Whitman County Solid Waste Committee. He will work hard for sound management practices like waste reduction, recycling and proper solid and hazardous waste disposal.

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**Eugene
PRINCE**
Republican

Eugene Prince is completing his fourth term as 9th District Representative. The last two years, he served as chairman of the House Republican Caucus. He previously served 13 years in the positions of Sergeant-at-Arms and assistant Chief Clerk.

Prince also serves on the Higher Education Committee, Transportation Committee, Rules Committee and the Joint Administrative Rules Review Committee. Prince will continue working towards administrative efficiency and maintenance of essential services.

A graduate of WSU, Prince is engaged in wheat farming. He and his wife, Patsy, have four children and five grandchildren.

Democrat – No candidate filed.

State Senator Twelfth Legislative District



**George
SELLAR**
Republican

As Senate Majority Caucus Chairman, Senator George Sellar holds the Senate's second highest leadership position.

And Senator Sellar has put his leadership to work for us, working closely with legislators from both parties to hammer out solutions to critical problems facing our area.

Senator Sellar has assisted in forging responsible state budgets that meet our needs without unnecessary tax increases.

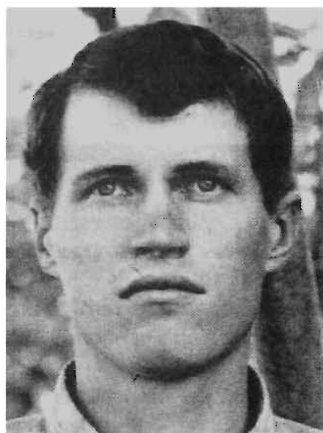
George Sellar has been fighting for excellence in our public schools and to rid our schools and neighborhoods of dangerous drugs.

George has been a champion of health insurance for working families who cannot afford it and for mandatory auto insurance to protect people from uninsured drivers.

Senator Sellar has been effective in protecting and promoting agriculture and in keeping our farms and ranches free from unnecessary government interference.

George Sellar has lived in North Central Washington all his life. He attended local schools, raised his family and built his career here. And since 1972, George Sellar has been working in the Senate to make our area a better place to live.

George Sellar is one of us, for all of us, so let's keep him on the job.



**Michael
DETERING**
Democrat

Campaign Address:
Rt. 1, Box 220
Manson WA 98831
Telephone: (509) 687-3606

Mike Detering's vision for North Central Washington in our state's 2nd century includes:

A world class education so our children can compete in a world-wide market. Education creates opportunities and makes a strong society. Education has to be our number one priority.

Working towards the building of a rail, freight truck and rapid transit tunnel thru Stevens pass. This would allow for sea port access to the pacific rim countries for the N.C.W. This would mean jobs, increased agricultural export, year-round tourism, daily access to coastal opportunities for N.C.W.

Detering's vision for the immediate future:

Faultless auto insurance. You decide how much to carry. Your insurance covers your losses. Their lack of insurance is not your loss. The insurance companies work out the rest.

Drug testing for students participating in extra-curricular activities funded by tax money or those who accept state grants or athletic scholarship funds.

Investing in our future with better options in day care and safer places for latch key children.

A constant commitment to agriculture research so that we can remain competitive in world markets.

Isn't it time for someone with a vision that works?



State Representative Twelfth Legislative District

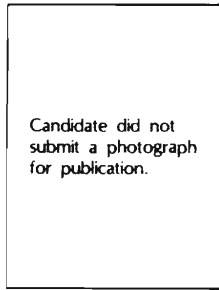
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Clyde BALLARD Republican

Campaign Address:
Ballard for State Representative
1790 N. Baker
East Wenatchee WA 98802
Telephone: (206) 584-5393

Representative Clyde Ballard, seeking his fourth term in the Legislature, is Republican House Leader. He has served on the Agriculture, Social & Health Services, Local Government, Financial Institutions & Insurance and Rules Committee. He served as Caucus Chairman during his second term. He was co-chairman of the task force for the Super Fund legislation to clean up hazardous waste sites in the state of Washington. Clyde and his wife, Ruth, have three grown sons and continue to be involved in their community and church activities.



Pat (Scoop) MANNERS Democrat

Campaign Address:
P.O. Box 1860
53 South Shore Drive
Chelan WA 98816
Telephone: (509) 682-2841

You will find Pat "Scoop" Manners, a confessed workaholic, happily scooping your favorite ice cream at his historic Pat & Mikes Food Mood near Lake Chelan.

My store has been the target for bomb threats, economic boycott and pressure to apply censorship from groups claiming to be Christian. I have not been intimidated by these "Christian" actions and now actively represent you, the people of the 12th District, to keep censorship from your stores, bedrooms, schools and libraries.

Do you want to be represented or do you want to be indoctrinated? Separate the church from the state. Vote Pat "Scoop" Manners.

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Alex McLEAN Republican

Campaign Address:
Committee to Retain
Alex McLean
P.O. Box 3252
Wenatchee WA 98807
Telephone: (509) 683-1097

Alex McLean seeks election to a second term in the State Legislature.

He serves on three major legislative committees: Ways & Means, Agriculture & Rural Development, and Trade & Economic Development. His broad background and experience qualifies him to deal with taxation, quality of education, economic growth, job development and aggressive new laws to assist law enforcement for the 12th District and the state of Washington.

Alex's personal life and dedication to public service demonstrate the qualities of an effective state representative.

Alex is a successful agri-businessman. He and his wife, Bonita, operate a wheat/cattle ranch and an apple orchard.



Gordon REYNAUD Democrat

Gordon Reynaud has a vision for North Central Washington. He wants to be your representative so he can work for a stronger local economy, bolstered by enhanced trade and tourism.

Gordon Reynaud will work for better education programs to prepare our children for the demands of a growing global economy. And, he'll fight to eradicate drugs in our schools.

Farmers and orchardists, small businesses, seniors, children and families all need a knowledgeable, energetic, responsive legislator working for them in Olympia. Gordon Reynaud will work for all of us to pioneer a better future for North Central Washington.

State Representative Thirteenth Legislative District



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**Glyn
CHANDLER**
Republican

Glyn Chandler is a hard-working businessman that knows how to get things done. Chandler has lived in District 13 for 30 years and has owned and operated a successful farm equipment dealership for 28 years along with the family farm. Chandler has the warmth to understand people's needs and the common sense and know-how to get tough jobs done. Chandler firmly believes the role of government is doing only for the people the things they cannot do for themselves.



**Mollie
BUCHE**
Democrat

Campaign Address:
844 Harris Road
Moses Lake WA 98837
Telephone: (509) 765-8753

Mollie Buche, a 22-year resident of District 13, has demonstrated leadership through effective community organization, active civic leadership, and through experience in agriculture, business, education and industry. Buche has commitments to District 13 and will help boost the economy, improve and expand educational offerings, and firmly work to eliminate the drug problem in Washington. "Let's educate and train people, then promote business development to provide more jobs and family stability," states Buche. Buche resides in Moses Lake, is married to Fred for 28 years, has 2 grown children and 4 granddaughters.

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**Curt
SMITH**
Republican

Campaign Address:
Committee to Elect
Curt Smith
Route 2, 875 Rd. 1 N.W.
Ephrata WA 98823
Telephone: (509) 787-2996

Representative Curt Smith has always been involved in the farming business. He was educated at the University of Nebraska, is a WWII veteran and member of the United Church of Christ. Curt and his wife, Lucille, have lived 33 years on their Columbia Basin farm.

Curt provides important leadership in all major issues as a 10-year legislator. He believes we must set priorities to control state spending and still provide the necessary required local and state services.

Curt has put his experience into practice. As our legislator, he has clearly shown his willingness to represent the concerns of our district.



**Lewis
LEININGER**
Democrat

Campaign Address:
Committee to Elect
L. E. "Louie" Leininger
821 W. Broadway
Moses Lake WA 98837
Telephone: (509) 765-7106

Louie Leininger has the knowledge and experience to be a most effective representative for the 13th District. As a resident of our area for 35 years, Louie has worked with many of us and understands the needs of our people and communities.

Louie will work for business, labor, education and agriculture. He will work for family security, community safety and stability.

Common sense and hard work will mean results for the district. It's time to send a leader to Olympia. It's time to elect Louie Leininger — a candidate with a strong commitment to Central Washington.



State Representative Fifteenth Legislative District

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**Barb
LISK**
Republican

Barb Lisk is a lifelong resident of the Yakima Valley. As an apple grower, her experience in agriculture gives her a working knowledge of the problems that face farmers today.

She believes small businesses are being overrun by state regulations and taxes. Barb knows economic growth and jobs depend on the system of free enterprise – not government intervention and more taxes.

Barb will bring a common sense approach to government for the 15th District – limiting government spending and growth, and requirements that state agencies operate within budgets assigned to them.

Barb Lisk – a practical voice for the 15th District.



**Margaret
RAYBURN**
Democrat

Campaign Address:
Margaret Rayburn Campaign
P.O. Box 668
Grandview WA 98930
Telephone: (509) 882-1133

Margaret Rayburn, Chair of the House Agriculture and Rural Affairs Committee, has earned bipartisan respect as an effective voice for her constituents.

Margaret Rayburn has brought millions of dollars to the Yakima Valley through grants and loans – including senior citizen centers, sewers, road construction and economic development projects.

Margaret Rayburn speaks for children. She is a leader, fighting for better schools and against the flood of drugs.

Margaret Rayburn is the acknowledged leader in the legislature for Yakima River Basin enhancement. She understands irrigated agriculture and is a powerful force driving for an adequate water supply.

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**Gary
CLARK**
Republican

Gary Clark is a lifelong resident of our valley. He is a Vietnam veteran who operates a family owned business in Zillah.

His work as mayor of Zillah, his involvement with his community, and his work with local teenagers, proves that he is committed to the district and serves us with dedication and understanding.

He helped form a task force against drugs and served on the Board of Directors of Heritage College.

Gary's experience will help to improve our schools, bring jobs to our valley, and protect our communities.

Leadership, experience and compassion, make Gary Clark our best choice.



**Forrest
BAUGHER**
Democrat

Campaign Address:
P.O. Box 92
Parker WA 98939
Telephone: (509) 452-9220

Representative Forrest Baugher is a proven legislator. He owns and operates a 60 acre farm and he's lived in the Yakima Valley all his life, just like his parents and grandparents. No one knows our district better. Forrest has developed a reputation as a populist who holds the line on taxes and spending.

The characteristics that have made Forrest a successful farmer – hard work, common sense and honesty – also make him a successful legislator. Forrest has the courage to take on special interest groups on critical issues such as one-party consent, mandatory auto insurance and protecting the family farm.

**State Senator
Sixteenth Legislative District**



**Jeannette
HAYNER
Republican**

Senator Jeannette Hayner has served the 16th District since 1972. As the highly regarded Senate Majority Leader, Jeannette is able to work toward the goals critical to the residents of Walla Walla, Benton and Franklin Counties.

As past president of the local school board and a member of the House and Senate Education Committees, achieving educational excellence continues to be a goal of Senator Hayner.

As a member of the Law and Justice Committee and the Organized Crime Advisory Board, she is in a position to curb the increasing spread of illegal drugs.

Senator Hayner strives to strengthen business and agricultural climates by preventing increased taxes and limiting government regulation. As a member of the Ways and Means Committee, Jeannette maintains a record of conservative fiscal responsibility demanding accountability.

Senator Hayner, a graduate of the University of Oregon School of Law, is active in a wide variety of community, business and church activities. Jeannette and her husband, Dutch, have been recipients of the Chamber of Commerce Award of Merit in recognition of service. She has received the Seventh Day Adventist's Liberty Award and the University of Oregon Pioneer Award as well as other honors for her leadership activities.

Democrat — No candidate filed.



State Representative Sixteenth Legislative District

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**Peter
BROOKS**
Republican

Peter Brooks is seeking his third term as State Representative for the 16th District.

Representative Brooks' hard work and dedication to every segment of the district are indisputable. As Minority Chairman of the Health Care Committee, Brooks was instrumental in passing the AIDS bill.

Peter's positions on the Energy and Utilities Committee and the Agriculture and Rural Committee allow him to better serve the people of the 16th District and to preserve the quality of life for Washington and its people.

Peter, a retired surgeon, and his wife, Betty, have five adult children and five grandchildren.

Democrat – No candidate filed.

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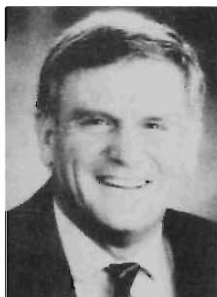


**Steve
MARTONICK**
Republican

Campaign Address:
Citizens for Martonick
1365 A University
Walla Walla WA 99362
Telephone: (509) 529-4686

Steve Martonick is a businessman and lifelong resident of the 16th District. He is very active in community service, politics and church. He will serve the interests of the people in the 16th District – not special interests.

Steve believes the solutions to the complex problems of our district and state are in the private sector. The diligence and wisdom of the people should be the foundations for success in education and the economy. He wants government to *promote* the ingenuity of citizens rather than hinder them with excessive taxes and regulations. *Steve Martonick opposes a state income tax.*



**Bill
GRANT**
Democrat

Campaign Address:
Committee to Re-elect
Bill Grant
111 Merriam
Walla Walla WA 99362
Telephone: (509) 529-4929

Representative Bill Grant has proven to be a fiscally conservative, hard-working state legislator. Bill's top priority is to protect the interests of the 16th Legislative District and Eastern Washington.

Grant serves on the Ways and Means, Trade and Economic Development, and Agriculture Committees. He also was named to the Washington State Economic Development Board.

A lifetime resident of the district and a wheat farmer, Bill is committed to reduce government spending, to resist tax increases and to create a more efficient state government.

Bill and Nancy Grant, both graduates of Whitman College, have four children and three grandchildren.

THE OFFICE OF PRECINCT COMMITTEE OFFICER

In addition to the various state and county offices which will appear upon the general election ballot, most voters will have the opportunity to vote for the office of "precinct committee officer".

WHO IS ELIGIBLE

State law (RCW 29.42.040) provides that any person who is a registered voter and a member of a major political party may become a candidate for the office of precinct committee officer by filing a declaration of candidacy and paying a \$1 filing fee to the county auditor. Since voters do not register by political party in Washington, a candidate declares himself or herself to be a Democrat or a Republican at the time he or she files for the office. The filing period for the office of precinct committee officer begins at the same time as the filing period for other partisan offices (the last Monday in July in even-numbered years), and lasts for three weeks, ending on the third Friday following that date.

ELECTION OF PRECINCT COMMITTEE OFFICER

Candidates for precinct committee officer do not appear on the primary ballot but rather are placed directly on the general election ballot, and the candidate receiving the most votes in his or her precinct for each political party is declared elected. State law (RCW 29.42.050) does provide, however, that to be declared elected, a candidate must receive at least 10% of the number of votes cast for the candidate of his or her party receiving the greatest number of votes in that precinct.

TERM OF OFFICE AND VACANCIES

The term of office for anyone elected to the office of precinct committee officer is two years, and commences upon the official canvass of election returns by the county canvassing board. Should a vacancy occur in the office (caused by death, disqualification, resignation, or failure to elect), the usual process is for the chairman of the party central committee to fill the vacancy by appointment. Appointments to fill vacancies cannot be made between the state general election and the organization meeting of the county central committee, which must be held prior to the second Saturday in January following the election of precinct committee officer.

DUTIES OF PRECINCT COMMITTEE OFFICER AS MEMBERS OF THE COUNTY AND STATE CENTRAL COMMITTEES

1. Each precinct committee officer is a member of the county central committee. The county central committee has the authority to fill vacancies on the party ticket for partisan county offices and for legislative offices in districts entirely within that county when no candidate files for such a position or when a candidate or nominee dies or is disqualified leaving no candidate of that party for such an office; they may also nominate

persons for appointment to these offices if an incumbent of that party resigns; and finally, elect members to the state central committee.

2. The state central committee has the authority under state law (RCW 29.42.020) to:
 - Call caucuses and conventions.
 - Provide for the election of delegates to national nominating conventions.
 - Fill vacancies on the party ticket for any federal, state or legislative office which encompasses more than one county.
 - Nominate persons to fill vacancies caused by resignation or death of an incumbent of that party in state offices and legislative offices in districts which encompasses more than one county.
 - Provide for the nomination of presidential electors.
 - Perform other functions inherent in such an organization.

NON-STATUTORY DUTIES AND RESPONSIBILITIES OF PRECINCT COMMITTEE OFFICER

Specific duties and responsibilities of a precinct committee officer are usually determined by either the county or state central committees. The following duties are commonly assigned to precinct committee officer by their party organization:

- Keep informed on current issues and candidates, study the party platform.
- Attend meetings of county committees and actively participate in fund-raising activities.
- Obtain lists of registered voters from the County Auditor's office.
- Canvass the precinct and become acquainted with the voters residing therein.
- Establish a record of eligible voters and party members within the precinct.
- Encourage voter registration within the precinct.
- Distribute party election materials during election campaigns.
- Recommend party members to work as precinct election officers.
- Encourage voters to get out and vote on election day.
- Encourage the use of absentee ballots.
- Hold precinct caucuses at certain selected times for the purpose of adopting resolutions and selecting delegates to the county conventions.

Individuals who are interested in serving as precinct committee officer should contact the chairman of the county central committee of their party or the state committee office of that party. Their addresses are as follows:

Washington State
Republican Party
Nine Lake Bellevue Drive,
Suite 203
Bellevue WA 98005

Washington State
Democratic Central
Committee
1701 Smith Tower
Seattle WA 98104

SAMPLE BALLOT

Below is a sample ballot listing the six statewide ballot measures and major federal and state offices appearing at the state General Election on November 8, 1988. This list has been prepared to help you prepare to go to the polls or cast an absentee ballot. (Under state law, you are permitted and encouraged to bring a list or sample ballot to the polling place to make voting easier.) Please note the special format for Initiative Measure 97 and Alternative Measure 97B; the state Constitution establishes a two-step process to express your preference on initiatives and alternatives. If you have questions about this special format, call the state Voter Information Hotline at 1-800-448-4881.

STATE MEASURES	
INITIATIVE MEASURE 518	YES ➔ NO ➔
INITIATIVE MEASURE 97 ALTERNATIVE MEASURE 97B	
VOTERS PLEASE NOTE:	
The state Constitution establishes a TWO-STEP process to express your preference on these issues.	
STEP 1	
VOTE "FOR EITHER" OR "AGAINST BOTH"	
FOR EITHER Initiative 97 or Alternative 97B..... ➔	
AGAINST BOTH Initiative 97 and Alternative 97B..... ➔	
STEP 2	
VOTE FOR ONE MEASURE FOR Initiative No. 97..... ➔ FOR Alternative Measure 97B..... ➔	
HOUSE JOINT RESOLUTION 4222	YES ➔ NO ➔
HOUSE JOINT RESOLUTION 4223	YES ➔ NO ➔
HOUSE JOINT RESOLUTION 4231	YES ➔ NO ➔

CANDIDATES
PRESIDENT/VICE PRESIDENT
U.S. SENATE
U.S. REPRESENTATIVE
GOVERNOR
LIEUTENANT GOVERNOR
SECRETARY OF STATE
STATE TREASURER
STATE AUDITOR
ATTORNEY GENERAL
COMMISSIONER OF PUBLIC LANDS
INSURANCE COMMISSIONER
SUPERINTENDENT OF PUBLIC INSTRUCTION
STATE SENATOR (If applicable)
Position 1: STATE REPRESENTATIVE Position 2:
OTHER:

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.** Refer to the addresses listed 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	TELEPHONE NUMBER	COUNTY	ADDRESS	CITY	ZIP	TELEPHONE NUMBER
Adams	210 West Broadway	Ritzville	99169	659-0090*	Klickitat	211 So. Columbus	Goldendale	98620	773-4001*
Asotin	P.O. Box 129	Asotin	99402	243-4164*	Lewis	P.O. Box 29	Chehalis	98532	748-9121 x278
Benton	P.O. Box 470	Prosser	99350	783-1310 x618	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	427-9670 x470
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	699-2241	Pacific	P.O. Box 97	South Bend	98586	875-9309
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	930 Tacoma Ave. So.	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	Repubic	99166	775-3161 x202*	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	427-5141 x226*
Garfield	P.O. Box 278	Pomeroy	99347	843-1411*	Snohomish	3000 Rockefeller Ave.	Everett	98201	259-9444
Grant	P.O. Box 37	Ephrata	98823	754-2011 x333*	Spokane	West 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. S.W.	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	296-1561	Walla Walla	P.O. Box 1856	Walla Walla	99362	527-3204*
Kitsap	614 Division St.	Port Orchard	98366	876-7129	Whatcom	P.O. Box 398	Bellingham	98227	676-6744
Kititas	5th & Main	Ellensburg	98926	962-6811 x230*	Whitman	P.O. Box 350	Colfax	99111	397-4601*
					Yakima	North 2nd & East "B"	Yakima	98901	575-4043*

*Area Code: 509

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

Absentee Ballot Request

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

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 on November 8, 1988.

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 VERIFIED _____ DEPUTY SIGNATURE _____ BALLOT MAILED _____

BALLOT CODE _____ ADDRESS CHANGE _____ BALLOT RETURNED _____

1988 VOTERS & CANDIDATES P A M P H L E T

EDITION

NUMBER 1



Published by the Office of the Secretary of State
State General Election
NOVEMBER 8, 1988

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RESIDENTIAL PATRON, LOCAL

EDITION NUMBER 1