

STATE OF WASHINGTON

# Voters Pamphlet

General Election, November 3, 1998



**Edition 2**

Published by the Office of the Secretary of State

# INTRODUCTION TO THE 1998 VOTERS PAMPHLET

## Greetings:

Welcome to the 1998 Washington State Voters Pamphlet. This year's guide contains information regarding the five measures appearing on the November 3 General Election ballot, including arguments for and against each proposal, an official ballot title and explanatory statement, and the full text of each measure. In addition, the pamphlet contains photographs and statements from candidates running for a variety of offices appearing on this year's ballot.

As we approach the bicentennial of the Lewis and Clark Expedition, the cover of the Voters Pamphlet celebrates a unique moment in this historic undertaking — the first democratic "election" in the American West. This event is beautifully depicted in the cover painting by artist Nona Hengen of Spangle, Washington, and eloquently described by David Nicandri of the Washington State Historical Society. We hope you enjoy this account and take a moment to reflect on our heritage of democracy and citizen participation.



RALPH MUNRO  
Secretary of State

## ABOUT THE COVER:

"Sunday [November] 24th [1805]. The morning was fine with some white frost. As this was a fine clear day, it was thought proper to remain here in order to take some observations, which the bad weather had before rendered impossible. ... At night the party were consulted by the Commanding Officers, as to the place most proper for winter quarters; and the most of them were of the opinion, that it would be best, in the first place, to go over to the south side of the river, and ascertain whether good hunting ground could be found there."

For nearly two hundred years, this obscure passage from the journal of Patrick Gass, a member of the Lewis and Clark expedition, has stood as the most explicit published description of a little-appreciated event: the extension of the democratic spirit to the west coast of America. Recall that in the fall of 1805, having struggled through the Bitterroot Mountains and after gaining sustenance from the Nez Perce Indians, the Lewis and Clark party completed their quest: they had reached the mouth of the Columbia River and the shore of the Pacific Ocean. However, a severe storm blew in and lasted for two weeks and a clear sense of endangerment infused the minds of the party as wave after wave battered the small party huddled along the rocky north bank of the river.

Then, a remarkable thing happened. Exhausted from a cross-country trek, their clothes in tatters, and with little to eat, Captains Lewis and Clark convened the party to discuss their future. Lewis and Clark, as able leaders with good decision-making instincts, were more than capable of determining where the expedition should spend the on-coming winter. But instead, Clark polled this assembly of Americans and one by one they tallied their vote on where the expedition should go. Almost all said to cross the river and examine its resources. Other recommendations were to return to the mouth of the Sandy River opposite Camas and Washougal, Washington or the Great Falls of the Columbia at Celilo. In the end, they determined to camp on Young's Bay near present-day Astoria, Oregon.

But the decision as to where to spend the winter is truly less important than the manner of how the decision was reached. Here in what is now the state of Washington, just downstream from the Astoria-Megler bridge landing, America's most famous party of exploration, VOTED to decide the fate of their community. All of them. The more celebrated of these voters were Sacajawea, the young Indian girl, mother and guide, and York, Clark's slave. Sacajawea voted more than a hundred years before Native Americans or women could vote; and York voted more than a half a century before most of this nation's African Americans were freed from slavery. However, the mere fact that any of the other members of the party voted besides the Captains is also noteworthy because had this election been held "back in the states" in 1805, only Lewis and Clark, as property owners, would have been eligible to do so.

Thus the Lewis and Clark campsite of November, 1805, near little McGowan, Washington, "Camp Columbia," can be thought of as the Independence Hall of the American West. This site is not merely an important Lewis and Clark site, though it is that, it is one of the most important historic places of any description in our entire nation. And it is so because we Americans, as a people, revere those places and instances in our shared history when and where the principles of self-government are extended.

*This pamphlet was prepared by the Office of the Secretary of State's Voter Services Division.*

# TABLE OF CONTENTS

Introduction .....	2	Initiative Measure 200 .....	14
Voters Checklist .....	3	Text of Measures .....	17
Political Party & Election Campaign Information ....	4	Federal Offices .....	33
Precinct Committee Officer Information .....	5	State Legislature .....	36
Initiative Measure 688 .....	6	Judicial Offices .....	43
Initiative Measure 692 .....	8	Voting in the State of Washington .....	45
Initiative Measure 694 .....	10	County Auditor/Election Department Contact .....	46
Referendum Bill 49 .....	12	Absentee Ballot Applications .....	47

## VOTERS CHECKLIST

Every Washington voter will have the opportunity to vote on five statewide measures at the state general election on November 3, 1998. Voters are encouraged to bring any list or sample ballot to the polling place to make voting easier. State law provides: "Any voter may take into the voting booth or voting device any printed or written material to assist in casting his or her vote." (RCW 29.51.180).

**INITIATIVE MEASURE 688**

Shall the state minimum wage be increased from \$4.90 to \$5.70 in 1999 and to \$6.50 in 2000, and afterwards be annually adjusted for inflation?

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

**INITIATIVE MEASURE 692**

Shall the medical use of marijuana for certain terminal or debilitating conditions be permitted, and physicians authorized to advise patients about medical use of marijuana?

<input type="checkbox"/>	<input type="checkbox"/>
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**INITIATIVE MEASURE 694**

Shall the termination of a fetus' life during the process of birth be a felony crime except when necessary to prevent the pregnant woman's death?

<input type="checkbox"/>	<input type="checkbox"/>
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**REFERENDUM BILL 49**

Shall motor vehicle excise taxes be reduced and state revenues reallocated; \$1.9 billion in bonds for state and local highways approved; and spending limits modified?

<input type="checkbox"/>	<input type="checkbox"/>
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**INITIATIVE MEASURE 200**

Shall government be prohibited from discriminating or granting preferential treatment based on race, sex, color, ethnicity or national origin in public employment, education, and contracting?

<input type="checkbox"/>	<input type="checkbox"/>
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**Secretary of State Toll-Free Hotlines**

**1-800-448-4881 (TDD for the hearing or speech impaired: 1-800-422-8683)**

## POLITICAL PARTY & ELECTION CAMPAIGN INFORMATION

Those who wish 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.

### POLITICAL PARTIES

American Heritage (AH)	PO Box 1534, Mead 99021-1534	1-888-396-6247
Democratic (D)	PO Box 4027, Seattle 98104	(206) 583-0664
Freedom Socialist (FS)	5018 Rainier Avenue South, Seattle 98118	(206) 722-2453
Libertarian (LBT)	PO Box 69223, Seattle 98168-9223	(206) 329-5669
Reform (RFM)	1122 East Pike Street, Seattle 98122	(206) 625-3303
Republican (R)	16400 Southcenter Parkway, Suite 200, Seattle 98188	(206) 575-2900
Socialist Workers (SW)	4903 Fremont Avenue North, Seattle 98103	(206) 323-3429

## PUBLIC ACCESS TO CAMPAIGN SPENDING REPORTS

**Contributions to Candidates and Political Committees:** An individual may not give more than \$575 in the primary election and \$575 in the general election to a candidate for the state legislature. Individuals may give an unlimited amount to a political party, ballot issue committee or other political action committee. During the 21 days before the general election, however, a person may contribute no more than \$5,000 to a local or judicial office candidate, political party or other political committee. Contributions from corporations, unions, businesses, associations and similar organizations are permitted, subject to limits and other restrictions.\*

**Registration and Reporting by Candidates and Political Committees:** No later than two weeks after an individual becomes a candidate or a political committee is organized, a campaign finance registration statement must be filed with the Public Disclosure Commission (PDC) and the local county elections official. (Committees that form within three weeks of the election must register within three business days.) The candidate or committee treasurer is also required to report periodically the source and amount of campaign contributions over \$25 and to list campaign expenditures. The occupation and employer of individuals giving \$100 or more to a campaign must also be identified.

These reports are open to the public. Copies are available at the PDC office in Olympia or at the county Elections office in the county where the candidate lives. Campaign spending data is also accessible on the Internet (<http://www.washington.edu/pdc>). In addition, the campaign financial books of a candidate or committee are available for public inspection the last eight days (Monday through Friday) before each election. The campaign registration on file with the PDC and the county Elections office shows the time and place where the records may be inspected.

**Independent Campaign Expenditures:** Anyone making expenditures totaling \$100 or more 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 file a report with the PDC within five days. Forms are available from the PDC or the county Elections office. All political advertising must identify the person paying for the ad.

**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 and unions are prohibited from contributing from their general treasury funds to federal campaigns. Although, contributions may be made from separate segregated funds (also called political action committees or PACs). Copies of the federal campaign finance reports are available from the Federal Election Commission (FEC).\*

**For Additional Information Contact:** Public Disclosure Commission, 711 Capitol Way, Room 403, PO Box 40908, Olympia, WA 98504-0908, (360) 753-1111, E-mail ([pdcc@win.com](mailto:pdcc@win.com)); for federal campaigns, the Federal Election Commission, 1-800-424-9530, Internet (<http://www.fec.gov>).

\*Federal income tax credits and deductions for contributions no longer apply.

# THE OFFICE OF PRECINCT COMMITTEE OFFICER

## 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 or elections department. Since voters do not register by political party in Washington, a candidate declares himself/herself to be a member of a major political party at the time of the filing.

### ELECTION OF PRECINCT COMMITTEE OFFICER

Candidates do not appear on the primary ballot but rather are placed directly on the general election ballot. The candidate receiving the most votes in his/her precinct for each political party is elected. However, state law does provide that to be declared elected, a candidate must receive at least 10% of the number of votes cast for the candidate of his/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.

### DUTIES AS MEMBER OF THE COUNTY AND STATE CENTRAL COMMITTEES

1. Each 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 office in districts entirely within that county. Also, they elect members to the state central committee.
2. The state central committee has the authority to:
  - call caucuses and conventions,
  - provide for the election of delegates to the national nominating convention,
  - fill vacancies on the party ticket for any federal, state or legislative office that 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 that encompass more than one county,
  - provide for the nomination of presidential electors.

### NON-STATUTORY DUTIES AND RESPONSIBILITIES

The following duties are commonly assigned by the party organization:

- attend meetings of county committees and actively participate in fund-raising activities,
- obtain lists of registered voters from the County Auditor's office or elections department,
- 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 election poll workers,
- 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 a precinct committee officer should contact the chairman of their county central committee or the state party headquarters.



# INITIATIVE MEASURE 688

PROPOSED TO THE PEOPLE

## Official Ballot Title:

Shall the state minimum wage be increased from \$4.90 to \$5.70 in 1999 and to \$6.50 in 2000, and afterwards be annually adjusted for inflation?

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 688 begins on page 17.

### Statement For

#### IT'S ABOUT FAIRNESS

If you work full time, you shouldn't live in poverty. Working full time at the current minimum wage barely adds up to \$10,000 annually, well below the family poverty level. Many workers and their families are forced to seek public assistance just to survive.

Our current minimum wage discourages work, increases economic dependence, costs taxpayers money for public welfare programs, and puts less money into the hands of working families, causing uneven economic growth.

Initiative 688 raises our state minimum wage to \$5.70/hour in 1999 and to \$6.50/hour in 2000. Subsequently, the minimum wage would automatically be adjusted for the rising cost of living.

#### MAKING WORK PAY

Giving people more incentive to work is good for the economy. Initiative 688 will draw people into the workforce. It will help move people from welfare to work and encourage economic independence. Because better-paid workers are better consumers, it will make Washington a better place to live and do business.

Opponents of Initiative 688, which include the very industries that benefit from paying poverty wages, resist every minimum wage increase and predict serious job loss and inflation. Their dire predictions have never come true. Meanwhile, taxpayers are forced to subsidize poverty-wage employers by providing public assistance to working families who can't sustain themselves.

#### VOTE YES ON I-688

Raising the minimum wage now—and linking it to the cost

of living in the future—will help impoverished working families and help keep Washington working into the 21st Century.

For more information, call (206) 256-6391 or visit [www.I-688.org](http://www.I-688.org)

### Rebuttal of Statement Against

The industries paying poverty wages are advancing the same dire predictions and manipulated statistics they use to oppose every minimum wage increase.

According to a University of Washington study:

—Seven in ten minimum wage earners are adults;

—73% are women;

—One-third are the *primary wage earners in their families*.

Annual adjustments in the minimum wage increase purchasing power, not prices. It's fair, good for our economy and the right thing to do.

#### Voters Pamphlet Statement Prepared by:

RICK BENDER, President, Washington State Labor Council; REV. JOHN BOONSTRA, Executive Minister, Washington Association of Churches; ELIZABETH PIERINI, President, League of Women Voters of Washington.

Advisory Committee: GARY LOCKE, Governor, State of Washington; BOB SWANSON, Executive Director, Washington Association of Community Action Agencies; HERB BRIDGE, Co-chair, Ben Bridge Jeweler; GUADALUPE GAMBOA, Regional Director, United Farm Workers of America; KRISHNA FELLS, Chair, Washington Small Business Owners Alliance.

## The law as it now exists:

Existing law, most recently amended by initiative in 1988, sets a minimum wage of \$4.90 per hour for any employees of age eighteen or older. The law authorizes the state director of labor and industries to establish by rule the minimum wage for workers under the age of eighteen.

Related statutes define who is an "employer" and an "employee," exempt certain types of workers from the minimum wage law, and set penalties for violations. One of these statutes, RCW 49.26.120, provides that the state minimum wage law is supplementary to federal and local laws, and that any federal or local minimum wage which is more favorable to employees will control over the state minimum wage.

## The effect of Initiative Measure 688, if approved into law:

This measure would increase the state minimum wage for employees eighteen years old or older to \$5.70 per hour on January 1, 1999 and to \$6.50 per hour on January 1,

2000. Beginning January 1, 2001, the minimum wage would be adjusted each year by the state department of labor and industries by increasing the previous year's minimum wage by the rate of inflation. On September 30 of each year, the department would calculate the minimum wage for the following year. The rate of inflation would be based on the consumer price index for urban wage earners and clerical workers, or a successor index, for the twelve months prior to September 1st each year as calculated by the United States department of labor.

The state director of labor and industries would still be authorized to set the minimum wage for workers less than eighteen years old. The measure would not amend any other statutes relating to minimum wages.

## Statement Against

A 32% increase in the state minimum wage now and unlimited increases in the future will have a direct impact on the family budget of every Washington citizen. When wages are artificially forced up, all other **costs go up** as well. The price of groceries, gasoline, rent and other goods and services will increase. This will hurt working families and those on fixed incomes, **especially senior citizens.**

Government **mandates for automatic wage hikes and price increases** should not be allowed without future voter approval. Provisions of I-688 could have a devastating impact on communities especially outside Seattle. The inflation index is based on urban statistics and does not take into the consideration **the special needs of smaller and rural communities.** What might work in Seattle is not always good in Colfax, Wenatchee or Aberdeen.

Ninety-two percent (92%) of Washington businesses **already pay more** than the minimum wage. The minimum wage is really a **starting wage** not intended to be a living wage. More than 80% of those still making the minimum wage are **teenagers** or people living within a family with more than \$30,000 per year in income.

Big government should not try to fix every economic worry. The marketplace has proven to be a much better regulator of the economy than the government. To help small businesses continue to offer good opportunities for young people and to **keep prices from rising out of control**, vote **no on I-688.**

## Rebuttal of Statement For

The minimum wage is a starting wage and not meant to support a family. Most people who earn it are teenagers or part time workers. Starting wage jobs take people off welfare.

An increased minimum wage will cost families more because prices of everyday goods and services will rise, it will not reduce taxes for working families.

I-688 takes away federal wage protections for entry level workers and small businesses. Vote **no** on I-688.

## Voters Pamphlet Statement Prepared by:

CAROLYN LOGUE, National Federation of Independent Business; GARY SMITH, Independent Business Association; RUSS GOODMAN, Washington Restaurant Association.

Advisory Committee: JAN TEAGUE, Washington Retail Association; STEVE APPEL, Washington Farm Bureau; DON BRUNELL, Association of Washington Business; GREGG MINDT, Washington State Hotel & Motel Association; AMY BRACKENBURY, Washington Association of Neighborhood Stores.



# INITIATIVE MEASURE 692

PROPOSED TO THE PEOPLE

## Official Ballot Title:

Shall the medical use of marijuana for certain terminal or debilitating conditions be permitted, and physicians authorized to advise patients about medical use of marijuana?

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 692 begins on page 17.

### Statement For

#### MEDICAL MARIJUANA: A MATTER OF COMPASSION

As medical professionals, we've sat at the bedsides of suffering patients and friends. We've seen medical marijuana work to relieve this suffering when other medications have failed.

Many authorities, including the prestigious *New England Journal of Medicine*, support the medical use of marijuana. Marijuana can help patients suffering nausea from cancer chemotherapy, threatened with blindness due to glaucoma, or experiencing severe and intractable pain. But patients who use medical marijuana, and doctors who recommend it, are still considered criminals in this state. Initiative 692 will protect patients who suffer from terminal and debilitating illnesses, and doctors who recommend the use of medical marijuana. That's why we need I-692.

#### I-692 IS LIMITED AND FOCUSED ON MEDICAL NEEDS

I-692 only allows the medical use of marijuana for a limited number of specific medical conditions for which there is scientific evidence that it works. I-692 also requires that patients be advised by their physicians that medical marijuana could be beneficial.

#### ADDITIONAL SAFEGUARDS IN I-692

- Limits the amount of marijuana a patient can possess.
- Requires parental consent for patients under 18.
- Prohibits marijuana use while driving, or in the workplace.
- Does not change any laws on non-medical marijuana use.
- Does not apply to any other drugs.

I-692 has the support of doctors, nurses, patients, and bipartisan lawmakers. Why? Because it is a matter of compassion. Please join us in voting YES on I-692, the Medical Marijuana Initiative.

For more information, call (206) 781-7716 or visit <http://www.eventure.com/l692>

### Rebuttal of Statement Against

Doctors and scientists agree, the medical use of marijuana can ease the pain and symptoms of seriously ill patients. *The American Academy of Family Physicians* supports such use "under medical supervision." *The New England Journal of Medicine* said: "policy that prohibits physicians from alleviating suffering by prescribing marijuana is misguided, heavy-handed and inhumane." I-692 has specific safeguards, allowing patients with terminal or debilitating illnesses access to this medicine in a controlled, compassionate manner. Vote Yes.

#### Voters Pamphlet Statement Prepared by:

ROB KILLIAN, M.D., Family Physician; JO MORAN, R.N., Hospice Nurse.

Advisory Committee: BOB McCASLIN, State Senator (R), Spokane; JEANNE KOHL, State Senator (D), Seattle; WILLIAM ROBERTSON, M.D., past President of the Washington State Medical Association; RICHARD BENSINGER, M.D., Ophthalmologist; CAROL MILLER, Nurse.



## The law as it now exists:

Washington has adopted the Uniform Controlled Substances Act (Chapter 69.50 RCW), in which drugs and other controlled substances are classified into several "schedules" numbered Schedule I through Schedule V. Marijuana is classified as a Schedule I or Schedule II substance, depending on its use. It is a crime to possess, dispense, or transfer controlled substances except as specifically authorized by law.

There is currently only one program permitting the use of marijuana. Chapter 69.51 RCW authorizes the use of marijuana for purposes of research into its possible therapeutic value. This law is administered by the state department of health. Cancer patients in chemotherapy and radiology and glaucoma patients may apply to participate in this research program. Patient qualification review is performed by a committee of specialist physicians, who may add other disease groups to the program upon review of pertinent medical data and approval of the federal government. Patients in the research program may receive marijuana from the state board

of pharmacy and may use it as part of the research program. Any other use of marijuana remains a crime.

## The effect of Initiative Measure 692, if approved into law:

This measure would authorize the use of marijuana to treat patients with certain terminal or debilitating illnesses, including: cancer; HIV virus (AIDS); multiple sclerosis; epilepsy or other seizure disorders; spasticity disorders; glaucoma; pain which is not relieved by standard medical treatments and medications; and other medical conditions approved by the state medical quality assurance board. These patients would be defined as "qualifying patients."

Licensed physicians would be exempted from criminal laws or other penalties for advising qualifying patients about the risks and benefits of marijuana use. Physicians could lawfully provide documentation, based on the physician's assessment of the qualifying patient's medical history and

(continued on page 16)

## Statement Against

### INITIATIVE-692 PROMOTES THE USE OF AN ADDICTIVE DRUG

Initiative-692 promotes the use of a drug not proven by any health or medical association to be safe or effective. It is not compassionate or humanitarian to promote the use of an addictive drug without ensuring valid scientific or medical research exists that would validate claims made by those promoting marijuana use. Language in Initiative-692 such as "some" patients "may" benefit from marijuana "appears" to be beneficial is not a sufficient basis for expanding the use of an addictive drug.

### INITIATIVE-692 CONFLICTS WITH PROFESSIONAL SCIENTIFIC FINDINGS

The Center for Scientific Affairs of the American Medical Association has concluded that marijuana and THC (The chief intoxicant in marijuana) have very limited or no effectiveness in treating acute nausea and vomiting caused by chemotherapy, treating spasticity in multiple sclerosis patients, or treating those affected by AIDS wasting, glaucoma, or pain. The center has also concluded that controlled evidence shows marijuana and THC cause significant adverse impacts and that the intensity of side effects precludes routine use of such substances.

### INITIATIVE-692 IS POORLY DRAFTED AND HAS TOO MANY LOOPHOLES

Initiative-692 has no meaningful controls on the amount of marijuana - an addictive drug - a "patient" may possess. Initiative-692 states that "patients" may not "possess" more than "the amount necessary for a sixty day supply" but there is no definition for what "sixty day supply" means. This serious

defect in drafting, intentional or not, creates a loophole so large that the likelihood for abuse is substantial. The potential for fraud, illicit drug sales, and other criminal activities is not worth the risk to our communities, neighborhoods, and children.

### INITIATIVE-692 IS NOT WORTH THE RISK OF POTENTIAL ABUSE

For more information, call (360) 458-5701.

## Rebuttal of Statement For

No one is against helping people who are suffering. But there are already medically approved drugs.

The "safeguards" in Initiative-692 sound good, but they are dangerously inadequate. Initiative-692 legalizes an addictive drug without medical evidence or adequate controls. Not even a doctor's prescription is needed as with other medicines.

The relationship between drugs and crime - especially by youths - is irrefutable. Initiative-692 would make current laws on marijuana practically unenforceable.

**Join law enforcement in opposing Initiative-692.**

### Voters Pamphlet Statement Prepared by:

LARRY SHEAHAN, State Representative; GLENN DUNNAM, Chief of Police; NORM MALENG, King County Prosecuting Attorney.

Advisory Committee: DAN SWECKER, State Senator; GARY EDWARDS, Thurston County Sheriff; WILLIAM PENN, M.D., Family Practice; GARY ALEXANDER, State Representative; KIRK WESTENFELDER, R.Ph., Kirk's Medical Services.



# INITIATIVE MEASURE 694

PROPOSED TO THE PEOPLE

## Official Ballot Title:

Shall the termination of a fetus' life during the process of birth be a felony crime except when necessary to prevent the pregnant woman's death?

Note: The ballot title was written by the court. The explanatory statement was written by the Attorney General as required by law and amended by the court. The complete text of Initiative Measure 694 begins on page 19.

### Statement For

#### INITIATIVE-694 STOPS A TERRIBLE PROCEDURE FROM BEING USED AGAINST PARTIALLY-BORN CHILDREN

Initiative-694 would stop the horrible killing of partially-born infants using a gruesome procedure unrecognized by the American Medical Association and rightly opposed by most Americans. Initiative-694 is a clear, common-sense, and constitutional way to protect the lives of partially-born children.

#### INITIATIVE-694 DOES NOT VIOLATE THE UNITED STATES SUPREME COURT'S OPINION IN *ROE v. WADE*

Although the Supreme Court has declared a right to terminate a pregnancy, it has never declared a right to terminate the lives of children who are in the process of being born. Initiative-694 stops a procedure - partial-birth infanticide - that goes far beyond abortion and *Roe*. Initiative-694 is carefully drafted to ensure it does not interfere with a woman's right to choose an abortion. Under Initiative-694, women will still have access to legal abortion.

#### INITIATIVE-694 HELPS PROTECT WOMEN AGAINST AN UNNECESSARY AND DANGEROUS PROCEDURE

Former Surgeon General, C. Everett Koop, has said that partial-birth procedures are never medically necessary to protect the health of the mother. Medical experts have testified that such procedures can lead to severe bleeding, damage to the uterus, and problems with future pregnancies. Other options are available in emergencies ... and Initiative-694 specifically allows an exception to protect the life of the mother.

### INITIATIVE-694 ESTABLISHES SPECIFIC MEDICAL STANDARDS DOCTORS CAN EASILY UNDERSTAND

Initiative-694 clearly defines the point in time when mothers and their physicians recognize the process of birth has begun - when the mother's cervix is dilated, her water has broken, and the baby is moving into the birth canal. We need to stop this unnecessary and hideous procedure that deliberately and intentionally ends the lives of helpless children in the process of being born. Initiative-694 will establish a reasonable, reliable, and legally-enforceable barrier against partial-birth infanticide.

For more information, call (360) 863-1077.

### Rebuttal of Statement Against

Few doctors support partial-birth procedures.

Opponents of Initiative-694 keep using the same worn-out arguments for the most radical positions on abortion. But partial-birth infanticide is not abortion. Federal courts have upheld bans similar to Initiative-694.

These grisly and painful procedures include jabbing sharp instruments through the skulls of young infants while they are being born and brutally killing them by sucking out their brains.

Enough is enough. Let's stop partial-birth infanticide.

***Please vote for Initiative-694.***

### Voters Pamphlet Statement Prepared by:

ROBERT V. BETHEL, D.O., Board Certified Family Practice, Sponsor; JOYCE MULLIKEN, State Representative, (R), 13th District; PAULA RANNEY, Attorney at Law.

Advisory Committee: CLYDE BALLARD, Speaker, State Representative (R); JIM HARGROVE, State Senator, (D), 24th District; SUSAN RUTHERFORD, M.D., OB-GYN, Specialist in Maternal/Fetal Health; BYRON CALHOUN, M.D., OB-GYN, Specialist in Maternal/Fetal Health; KEITH FREY, M.D., Clinical Professor, U.W. Department of Family Medicine.

## The law as it now exists:

Abortion and pregnancy termination are currently governed by Chapter 9.02 RCW, originally enacted as Initiative Measure No. 120. This law provides that the state may not deny or interfere with a woman's right to choose to have an abortion prior to viability of the fetus, or to protect her life or health. Under these circumstances, a physician may terminate a pregnancy, and a health care provider may lawfully assist in the procedure. "Viability" is defined as "the point in the pregnancy when, in the judgment of the physician on the particular facts of the case before such physician, there is a reasonable likelihood of the fetus's sustained survival outside the uterus without the application of extraordinary medical measures." "Abortion" is defined as "any medical treatment intended to induce the termination of a pregnancy, except for the purpose of producing a live birth." Any person who performs an abortion not authorized by these provisions is guilty of a Class C felony.

The law provides that it is a defense to prosecution for abortion that a physician or health care provider exercised good faith judgment as to the viability of the fetus or as to the risk to life or health of the woman.

## The effect of Initiative Measure 694, if approved into law:

This measure would redefine abortion as the termination of a pregnancy within the uterus or womb. It would provide that "the process of birth" begins when any living fetus has partially or wholly exited the uterus or womb by any means, including artificial extraction. Once this process of birth had begun, the fetus would be defined as becoming "a partially born infant" and it would be "partial-birth infanticide" to deliberately and intentionally perform a procedure that the person knows will terminate the life of the partially born infant. Partial birth infanticide would be a felony. The measure would allow partial birth infanticide to prevent the death of the

(continued on page 16)

## Statement Against

### DOCTORS OPPOSE I-694

#### Here's Why:

As physicians, we work to protect the health of thousands of women and their families. Their health and well-being come first. That's why we oppose I-694 and urge you to vote *no*.

We believe reproductive choices should remain a confidential medical decision made by women and their doctors.

In Washington state, terminating a viable pregnancy is *already* illegal except to save the health or life of the mother. Therefore, this initiative is unnecessary. It is also misguided.

#### LOOK AT I-694'S SERIOUS FLAWS:

The *odd language* of I-694 does not conform to known medical terminology. This means doctors will not know what is legal or illegal. The courts will decide if you or your doctor has broken the law. Depending on where you live, many abortions could be investigated and prosecuted as a felony by local authorities.

Under I-694, *your confidential medical records could be opened*.

I-694 will *sacrifice a woman's health*. I-694 clearly denies a woman suffering a crippling illness or cancer the choice to safely terminate her pregnancy.

I-694 takes the decision away from women and doctors and puts it into the hands of government, contradicting *Roe v. Wade* and three prior statewide votes in favor of protecting a woman's choice.

I-694 is seriously flawed. Remember, women look to their physicians for appropriate medical guidance, not their local prosecutors.

Trust your common sense and *vote no* on I-694.

For more information, call (206) 728-5919.

## Rebuttal of Statement For

It's already a felony for a healthy mother to abort a viable fetus at the end of pregnancy. There is no record in Washington of such abortions ever occurring.

Don't be fooled. *The full text of Initiative-694 includes provisions that could ban most abortions.*

Fourteen state supreme courts have already ruled laws like Initiative-694 violate *Roe v. Wade* because it lets anti-choice prosecutors decide which abortions it bans.

Vote *no* on the abortion ban.

#### Voters Pamphlet Statement Prepared by:

GWEN CHAPLIN, President, Planned Parenthood Affiliates of Washington, Yakima; ELIZABETH PIERINI, President, League of Women Voters of Washington, Seattle; REV. FLORA BOWERS, United Methodist Church, Spokane.

Advisory Committee: JOSEPH J. MANCUSO, M.D., Chair-elect, American College of Obstetricians/Gynecologists, Washington; PETER K. MARSH, M.D., President, Washington State Medical Association; JACK LEVERSEE, M.D., Professor, Family Medicine, University of Washington Medical School; SHELDON BIBACK, M.D., OB-GYN.



# REFERENDUM BILL 49

CHAPTER 321, LAWS OF 1998  
PROPOSED TO THE PEOPLE BY THE LEGISLATURE  
Vote cast by the 1998 Legislature on final passage:

House: Yeas, 57; Nays, 36 -- Senate: Yeas, 25; Nays, 24.

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Referendum Bill 49 begins on page 20.

## Official Ballot Title:

Shall motor vehicle excise taxes be reduced and state revenues reallocated; \$1.9 billion in bonds for state and local highways approved; and spending limits modified?

## The law as it now exists:

The State levies a motor vehicle excise tax on the privilege of using a motor vehicle in the state. The tax is payable each year and is based on the value of the vehicle. For passenger vehicles, motorcycles, and trucks weighing up to 6000 pounds, the value is based on the manufacturer's suggested retail price, gradually depreciated over the life of the vehicle according to a schedule set forth in statute.

The law provides a percentage formula for the distribution of revenue from the motor vehicle excise tax to various state funds and accounts. These funds and accounts include: the motor vehicle fund; the Puget Sound capital construction and the Puget Sound ferry operations account in the motor

## Statement For

Please join us in voting **yes** on *Referendum 49* to reform our state's auto license tab system and to move ahead on critical transportation projects.

**A yes vote is a vote for less congestion on our roads, less taxes on our cars and more dollars to fight crime in our communities.**

### VOTE YES TO REDUCE YOUR LICENSE TAB FEES AND TAXES BY \$30 PER CAR.

Referendum 49 will reduce the license tab fee on each auto by \$30. Your car will *no* longer be taxed at 100% of new value in your second year of ownership.

### VOTE YES TO ALLOCATE MORE OF YOUR LICENSE TAB FEES TO TRANSPORTATION IMPROVEMENTS.

Only about one-half of your license tab fees now support transportation projects. R-49 will dedicate most of your license tab fees to transportation — where they belong.

### VOTE YES TO PROVIDE MOST OF THE FINANCING FOR A \$2.4 BILLION PLAN TO REDUCE TRAFFIC CONGESTION, MAKE OUR HIGHWAYS SAFER AND MOVE WASHINGTON GOODS TO MARKET.

By dedicating more of our license tab revenues - part of the \$800 million budget surplus - to transportation, \$2.4 billion will be available for transportation improvements. *No* new taxes are needed to provide these funds.

### VOTE YES TO HELP COMMUNITIES FIGHT CRIME AND CREATE JOBS.

Local governments face rapidly rising costs for courts and jails. R-49 provides substantial surplus funds to communi-

ties for criminal justice. It also provides new funds to counties with high unemployment to help them with transportation and other economic development needs.

**Vote yes because we need transportation solutions now to get our state moving again.** Our freeways are dangerously congested. Traffic congestion is so bad, we can't wait any longer. R-49 will get us moving again.

## Rebuttal of Statement Against

Under R-49, Washington will have projected reserves more than \$700 million above the voter-approved spending limit. Therefore, education cannot be affected. Not one bit. R-49 will improve transportation and provide healthy rainy-day reserves.

Like R-49, other options would use traditional, low-interest bonds to finance transportation projects. Instead of raising taxes, R-49 simply directs more license tab revenue toward transportation.

R-49 will fund a bipartisan plan to relieve congestion, increase safety, and get Washington moving again!

## Voters Pamphlet Statement Prepared by:

KAREN SCHMIDT, State Representative, Chairman, Legislative Transportation Committee; JEANNETTE WOOD, State Senator, Chair, Senate Higher Education Committee; MICHAEL PATRICK, Executive Director, Washington Council of Police and Sheriffs.

Advisory Committee: ED HANSEN, Mayor, City of Everett; MIC DINSMORE, Executive Director, Port of Seattle; LOWELL LANCASTER, Chair, Washington State Horticulture Association; KEN SMITH, President WaferTech; ROB HIGGINS, Executive Vice President, Spokane Association of Realtors.

vehicle fund; county and municipal sales tax equalization accounts; the state general fund; the transportation fund; county and municipal criminal justice assistance accounts; and the county public health account. There is also a distribution to cities and towns for police and fire protection. The law sets maximum amounts that may be deposited in the criminal justice assistance accounts, with any excess revenue deposited in the violence reduction and drug enforcement account.

Initiative 601, enacted by the voters in the 1993 general election, created a state expenditure limit and, with certain exceptions, requires that revenues received in excess of the limit be placed in reserve accounts and not spent. One provision of Initiative 601, codified as RCW 43.135.035, would require the expenditure limit to be lowered to reflect any transfer of money from the general fund to other funds or accounts. Another provision of Initiative 601, codified as RCW 43.135.060, provides that local governments shall be fully reimbursed by specific appropriation by the state for the costs of responsibilities imposed on local governments for new programs or for increases in service levels under existing programs.

Certain municipalities that operate transit agencies may levy a local motor vehicle excise tax which is credited against the state tax. To obtain a distribution from the revenues generated, these

municipalities must match the distribution with other revenues. Local sales taxes specifically imposed to support public transportation systems may not currently be used as matching funds.

### **The effect of Referendum Bill 49, if approved into law:**

The measure would reduce the motor vehicle excise tax; reallocate the revenue from this tax and other revenues; provide for the issuance of \$1.9 billion in state general obligation bonds to finance state and local highway improvements; and make other changes in state and local government funding provisions.

The motor vehicle excise tax would be reduced by a \$30 credit against the tax for each personal-use motor vehicle, truck weighing up to 6000 pounds, or motorcycle. In addition, the statutory depreciation schedule would be changed so that the taxable value of a vehicle would be lowered in the second and third years of its use.

The distribution of revenues from the motor vehicle excise tax to various state funds would be changed in a number of ways. The allocation to the state general fund would be reduced from 57.644% to 13.573% through June 30, 1999, and after that date would be entirely eliminated. The portion allocated to the transportation fund

(continued on page 16)

## **Statement Against**

Referendum 49 is credit card government at its worst. It doesn't solve our transportation crisis, doesn't list the road projects it might finance, and takes money that should go to schools.

### **VOTE NO ON 25 YEARS OF DEBT FOR 5 YEARS OF PROJECTS**

Referendum 49 will plunge the state into the deepest debt in history — credit card debt that will take a generation to pay off. *Taxpayers will pay billions of dollars in interest that should be spent on roads and transit!* In fact, transit spending will be *cut* by millions. Burdening taxpayers with decades of interest payments for only five years of projects makes no sense.

### **VOTE NO ON MONEY WITHOUT A PLAN**

Referendum 49 says *nothing* about the projects the money will be spent on. No one knows what projects future legislatures, governors, and the Transportation Commission will approve.

### **VOTE NO ON A PLAN THAT WON'T FIX YOUR STREET'S POTHOLES**

Referendum 49 won't ease congestion. It provides only pennies to fix potholes on your city streets and county roads! It *cuts* transit funding now and in the future.

### **VOTE NO ON JEOPARDIZING OUR CHILDREN'S FUTURE**

This plan endangers our schools and colleges. If the economy slows, we'll need the state's budget surplus to pay

for education. Referendum 49 means that surplus will pay the interest on our road debt instead.

Referendum 49 makes false promises to relieve traffic congestion, fund local criminal justice and provide a tax cut without harming other programs. Don't believe it! We cannot risk our future with a plan that is too expensive, hurts schools and doesn't fix the problem.

Vote *no* on Referendum 49.

## **Rebuttal of Statement For**

Referendum 49 is risky, irresponsible government at its worst!

- It demands a blank check without saying how it will be spent.
- It takes money that could be spent on schools.
- It will make congestion worse by cutting funds for transit.

Don't be fooled by a politically crafty plan filled with false promises to relieve traffic congestion, fund local criminal justice and provide a tax cut without harming other programs.

Vote *no* on Referendum 49!

### **Voters Pamphlet Statement Prepared by:**

GARY LOCKE, Governor; MARY MARGARET HAUGEN, State Senator; RUTH FISHER, State Representative.

Advisory Committee: PAUL SCHELL, Mayor, Seattle; ELIZABETH PIERINI, President, League of Women Voters of Washington; VALORIA LOVELAND, State Senator; DR. TERRY BERGESON, Superintendent of Public Instruction; DALE NUSSBAUM, President, Amalgamated Transit Union Legislative Council, Spokane.



# INITIATIVE MEASURE 200

## PROPOSED 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 200 begins on page 32.

### Statement For

#### OUR LAWS SHOULD BE COLORBLIND

It's time for the government to stop using different rules for different races.

Civil rights laws are supposed to forbid discrimination on the basis of race and gender in employment and education. But instead of ignoring race, the government uses it through the use of racial quotas, preferences and set-asides. Take the case of Katuria Smith, a young woman from Marysville, who grew up in poverty and worked her way through community college and eventually the University of Washington before applying to the UW law school. Despite superb grades and test scores she was rejected. Award-winning columnist Nat Hentoff has reported, however, that the school's Dean told him she would have been admitted if she were black.\* It's time for government to get out of the discrimination business.

#### EQUAL TREATMENT, REGARDLESS OF RACE

Initiative 200 is short, clear, and does exactly what its ballot title says it will do — prohibit discrimination or preferences based on race or gender in public employment and education.

#### WHAT INITIATIVE 200 WON'T DO

Initiative 200 does not end all affirmative action programs. It prohibits only those programs that use race or gender to select a less qualified applicant over a more deserving applicant for a public job, contract or admission to a state college or university. No scholarships or job training programs paid for by the private sector are affected by the initiative. It applies only to government.

## Official Ballot Title:

Shall government be prohibited from discriminating or granting preferential treatment based on race, sex, color, ethnicity or national origin in public employment, education, and contracting?

### The law as it now exists:

Washington currently has a Law Against Discrimination, codified as Chapter 49.60 RCW, which prohibits discrimination against any person because of race, creed, color, national origin (including ancestry), families with children, sex,

#### IT'S TIME TO MOVE AHEAD

More and more Americans want to move beyond race. Initiative 200 takes us in that direction. Please vote "Yes" on Initiative 200.

For more information, call (425) 450-1074.

### Rebuttal of Statement Against

I-200 is clear: the government should not use race or gender to treat applicants for employment or education opportunities differently. Why? Because *all* Americans deserve protection from race or sex discrimination. That's the principle at stake in this election.

Our opponents, especially the ACLU, support preferences because they want to magnify race instead of minimizing it. They are out of touch and out of date. Yes on 200.

#### Voters Pamphlet Statement Prepared by:

JOHN CARLSON, Co-chair, Initiative 200; SCOTT SMITH, State Representative, Pierce County, Co-chair, Initiative 200; JEANNETTE HAYNER, Senate Majority Leader (ret.), Walla Walla.

Advisory Committee: ANN ANDERSON, State Senator (R) - Bellingham, Lynden; MICHAEL HEAVEY, State Senator (D) - West Seattle, Burien, Vashon; MARY A. RADCLIFFE, past Co-chair, Episcopal Diocese Committee on Racism; PATRICIA HERBOLD, Attorney, community volunteer, Bellevue; CLYDE BALLARD, Speaker, State Representative (R) - East Wenatchee.

\*The Dean disputes this account.

marital status, age, or the presence of any sensory, mental, or physical disability. This law is enforced by the courts and also by a Human Rights Commission created for that purpose.

Existing state law also includes provisions requiring state agencies and institutions to take affirmative action to increase employment opportunities for women, racial minorities, persons in protected age categories, persons with disability, Vietnam-era veterans, and disabled veterans. State law directs the Personnel Resources Board to adopt affirmative action goals and procedures for hiring and promotion by state agencies, and provides that affirmative action "shall not mean any sort of quota system." There is a similar, specific affirmative action law for employment in the Washington State Patrol.

Another state law, Chapter 39.19 RCW, establishes the Office of Minority and Women's Business Enterprises and provides for a program to increase the participation of minority- and women-owned businesses in public works and procurement contracts. This agency is directed by the law to identify barriers to equal participation by qualified minority- and women-owned and controlled businesses, to establish annual overall participation goals for each agency, to develop and maintain a list of certified minority and women's

business enterprises, and to monitor compliance with the law.

The State's universities and four-year colleges have legal authority to establish their own entrance requirements for students. These requirements must be consistent with state and federal laws prohibiting discrimination. The universities and colleges have adopted a variety of admissions policies for undergraduate and graduate students, depending on the institution and the nature of the specific program. Some of the admissions policies state an objective of selecting students who have demonstrated capacity for high quality work and who will contribute to the diversity of the student body, based on such factors as racial or ethnic origin, gender, cultural background, activities or accomplishments, career goals, living experiences or special talents.

Political subdivisions and local governments determine their own ordinances and policies, consistent with state and federal law.

There are also a number of federal laws prohibiting discrimination or requiring affirmative action, and many state and local agencies are required to comply with these laws as a condition to receiving federal funds or participating in certain federal programs.

(continued on page 16)

## Statement Against

Dear Washington Voter,

I have studied Initiative 200 and I am concerned about the consequences it could have on the people of Washington. At first glance it appears to promote equality, but in reality, it very likely will have the opposite effect.

Washington is a community that can take pride in our efforts to ensure equal opportunity for all. We can all be proud of the progress we've made, but we still have a long way to go. This is not the time to jeopardize the programs designed to give people a hand up, rather than a hand out.

Because of its vague and broadly written language, I-200 can and will be read many ways. It is confusing and will create a tangle of expensive lawsuits.

It could eliminate job training programs that help women and minorities make the transition from welfare to work.

Education is the great equalizer. I know this from personal experience. But this plan could end targeted educational opportunities, like tutoring, that can give children a helping hand early.

I-200 could set back our efforts to achieve equal pay for women. Women, on average, still make only 74 cents to every dollar earned by men for the same work. We need to change that.

I-200 takes our community in the wrong direction. I urge you to take a closer look, it's not worth the risk. Please join me in voting *no!*

Sincerely,

Governor Gary Locke

For more information, call (206) 441-9120 or visit [www.no200.org](http://www.no200.org)

## Rebuttal of Statement For

The proponents' statement is incomplete and misleading. Here's what they're not telling you:

I-200 will hurt women and pay equity.

It's already illegal to hire less qualified applicants.

When it passed in California, this same measure eliminated programs that opened doors for qualified women and minorities. *The San Francisco Chronicle* said it "went too far" because "discrimination, whether intentional or not, still exists."

Take a closer look. Check the facts. Vote *no* on I-200.

### Voters Pamphlet Statement Prepared by:

GARY LOCKE, Governor; ELIZABETH PIERINI, President, League of Women Voters of Washington.

Advisory Committee: DAN EVANS, former Governor and U.S. Senator; MARI CLACK, Spokane business owner; RICK BENDER, President, Washington State Labor Council; HUBERT LOCKE, Professor; REV. JOHN BOONSTRA, Executive Minister, Washington Association of Churches.



### **INITIATIVE MEASURE 692** (continued from page 9)

#### **The effect of Initiative Measure 692, if approved into law (continued):**

medical condition, that the potential benefits of the medical use of marijuana would likely outweigh the health risks for that patient. Qualifying patients and their primary caregivers would be authorized to acquire and possess marijuana if they possessed no more than a sixty day supply for the patient's personal, medical use and if they could present valid documentation of authorization by a physician. Parents or guardians could possess marijuana solely for the medical use of qualifying patients under eighteen years of age.

The measure would not authorize the acquisition, possession, or use of marijuana for any other purpose. Possession, sale, or use of marijuana for non-medical purposes would remain a crime. It would be a felony to fraudulently produce or to alter any documents relating to the medical use of marijuana. It would be a misdemeanor to use or display medical marijuana in public view. Health insurance providers would not be required to pay claims for the medical use of marijuana. No physician would be required to authorize the use of medical marijuana. The measure would not require the accommodation of any medical use of marijuana in any place of employment, school bus or school grounds, or youth center. No person would be authorized to engage in the medical use of marijuana in such a way as to endanger the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway. The state could not be held liable for any damaging effects from permitted marijuana use.



### **INITIATIVE MEASURE 694** (continued from page 11)

#### **The effect of Initiative Measure 694, if approved into law (continued):**

mother only if no other procedure, including the induction of labor or cesarean section, would suffice to prevent the death of the mother. The measure would not apply to "abortions" as redefined. The measure would provide that in the event of conflict between it and any other law, the provisions of this measure would govern.



### **REFERENDUM BILL 49** (continued from page 13)

#### **The effect of Referendum Bill 49, if approved into law (continued):**

would be increased from 5% to 43.605% through June 30, 1999, and then to 51.203%. The motor vehicle excise tax revenue allocated and distributed to other funds would be increased or decreased by varying amounts. The measure would require transfers from the general fund into two of these funds, the county criminal justice assistance account and the municipal criminal justice assistance account. Beginning with Fiscal Year 2000, the limits on distributions into these accounts would be removed. Part of the reallocated motor vehicle excise tax revenue would be distributed to economically distressed counties through a new account in the treasury.

The measure provides for the issuance and sale of up to \$1.9 billion of general obligation bonds to pay for the location, design, right of way, and construction of state and local highway improvements. No bonds could be offered for sale without additional legislative action. The measure provides that the bonds shall pledge the full faith and credit of the state for payment of the principal and interest when due. The proceeds from the sale of the bonds would be deposited in the motor vehicle fund, and the principal and interest on the bonds would be first payable from revenues from the motor vehicle fuel and special fuel excise taxes.

The measure would modify Initiative 601 (RCW 43.135.035) to provide that the transfer of moneys from the general fund to other funds or accounts as authorized in this measure would not reduce the state expenditure limit. The measure would also modify Initiative 601 (RCW 43.135.060) to allow the state to reimburse local governments for the costs of new programs or increased service levels through increases in state distributions of revenue to local governments.

The measure would authorize certain cities owning and operating municipal public transportation systems to use local public transportation sales tax revenues to match their local motor vehicle excise tax revenues. This authorization would be implemented over a four year period beginning July 1, 1999. After July 1, 2002, 100% of the revenues generated from the local motor vehicle excise tax could be matched by local public transportation sales tax revenues.



### **INITIATIVE MEASURE 200** (continued from page 15)

#### **The effect of Initiative Measure 200, if approved into law :**

Initiative Measure No. 200 would add new provisions to state law. It would prohibit state and local agencies from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. The measure does not define the term "preferential treatment," and does not specify how continued implementation or enforcement of existing laws would be affected if this measure were approved. The effect of the proposed measure would thus depend on how its provisions are interpreted and applied.

The measure would not affect any otherwise lawful classification that (a) is based on sex and is necessary for sexual privacy or medical or psychological treatment; or (b) is necessary for undercover law enforcement or for film, video, audio, or theatrical casting; or (c) provides separate athletic teams for each sex. The measure would not prohibit actions that must be taken to establish or maintain eligibility for federal programs, if ineligibility would result in a loss of federal funds to the state.

This measure would apply to state government, to all state agencies, and publicly supported colleges and universities, and to all counties, cities, school districts, special districts, and political subdivisions of the state. Remedies for violations would be the same as are available for violations of the existing law against discrimination.





## COMPLETE TEXT OF Initiative Measure 688

AN ACT Relating to the state minimum wage; and amending RCW 49.46.020.

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

Sec. 1. RCW 49.46.020 and 1993 c 309 s 1 are each amended to read as follows:

(1) Until January 1, 1999, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than four dollars and ninety cents per hour.

(2) Beginning January 1, 1999, and until January 1, 2000, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than five dollars and seventy cents per hour.

(3) Beginning January 1, 2000, and until January 1, 2001, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than six dollars and fifty cents per hour.

(4)(a) Beginning on January 1, 2001, and each following January 1st as set forth under (b) of this subsection, every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than the amount established under (b) of this subsection.

(b) On September 30, 2000, and on each following September 30th, the department of labor and industries shall calculate an adjusted minimum wage rate to maintain employee purchasing power by increasing the current year's minimum wage rate by the rate of inflation. The adjusted minimum wage rate shall be calculated to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the twelve months prior to each September 1st as calculated by the United States department of labor. Each adjusted minimum wage rate calculated under this subsection (4)(b) takes effect on the following January 1st.

(5) The director shall by regulation establish the minimum wage for employees under the age of eighteen years.

### PLEASE NOTE

In the preceding and following measures all words in double parentheses with a line through them are in State law and will be taken out if the measure is adopted. Underlined words do not appear in State law but will be put in if the measure is adopted.

To obtain a copy of the text of the proposed measures in larger print, call the Secretary of State's toll-free hotline—1-800-448-4881.



## COMPLETE TEXT OF Initiative Measure 692

AN ACT Relating to the medical use of marijuana; adding a new chapter to Title 69 RCW; and prescribing penalties.

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

NEW SECTION. Sec. 1. TITLE.

This chapter may be known and cited as the Washington state medical use of marijuana act.

NEW SECTION. Sec. 2. PURPOSE AND INTENT.

The People of Washington state find that some patients with terminal or debilitating illnesses, under their physician's care, may benefit from the medical use of marijuana. Some of the illnesses for which marijuana appears to be beneficial include chemotherapy-related nausea and vomiting in cancer patients; AIDS wasting syndrome; severe muscle spasms associated with multiple sclerosis and other spasticity disorders; epilepsy; acute or chronic glaucoma; and some forms of intractable pain.

The People find that humanitarian compassion necessitates that the decision to authorize the medical use of marijuana by patients with terminal or debilitating illnesses is a personal, individual decision, based upon their physician's professional medical judgment and discretion.

Therefore, The people of the state of Washington intend that:

Qualifying patients with terminal or debilitating illnesses who, in the judgment of their physicians, would benefit from the medical use of marijuana, shall not be found guilty of a crime under state law for their possession and limited use of marijuana;

Persons who act as primary caregivers to such patients shall also not be found guilty of a crime under state law for assisting with the medical use of marijuana; and

Physicians also be excepted from liability and prosecution for the authorization of marijuana use to qualifying patients for whom, in the physician's professional judgment, medical marijuana may prove beneficial.

NEW SECTION. Sec. 3. NON-MEDICAL PURPOSES PROHIBITED.

Nothing in this chapter shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale, or use of marijuana for non-medical purposes.

NEW SECTION. Sec. 4. PROTECTING PHYSICIANS AUTHORIZING THE USE OF MEDICAL MARIJUANA.



**COMPLETE TEXT OF  
Initiative Measure 692  
(continued)**

A physician licensed under chapter 18.71 RCW or chapter 18.57 RCW shall be excepted from the state's criminal laws and shall not be penalized in any manner, or denied any right or privilege, for:

1. Advising a qualifying patient about the risks and benefits of medical use of marijuana or that the qualifying patient may benefit from the medical use of marijuana where such use is within a professional standard of care or in the individual physician's medical judgment; or

2. Providing a qualifying patient with valid documentation, based upon the physician's assessment of the qualifying patient's medical history and current medical condition, that the potential benefits of the medical use of marijuana would likely outweigh the health risks for the particular qualifying patient.

**NEW SECTION. Sec. 5. PROTECTING QUALIFYING PATIENTS AND PRIMARY CAREGIVERS.**

1. If charged with a violation of state law relating to marijuana, any qualifying patient who is engaged in the medical use of marijuana, or any designated primary caregiver who assists a qualifying patient in the medical use of marijuana, will be deemed to have established an affirmative defense to such charges by proof of his or her compliance with the requirements provided in this chapter. Any person meeting the requirements appropriate to his or her status under this chapter shall be considered to have engaged in activities permitted by this chapter and shall not be penalized in any manner, or denied any right or privilege, for such actions.

2. The qualifying patient, if eighteen years of age or older, shall:

(a) Meet all criteria for status as a qualifying patient;

(b) Possess no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty day supply; and

(c) Present his or her valid documentation to any law enforcement official who questions the patient regarding his or her medical use of marijuana.

3. The qualifying patient, if under eighteen years of age, shall comply with subsection (2) (a) and (c) of this section. However, any possession under subsection (2) (b) of this act, as well as any production, acquisition, and decision as to dosage and frequency of use, shall be the responsibility of the parent or legal guardian of the qualifying patient.

4. The designated primary caregiver shall:

(a) Meet all criteria for status as a primary caregiver to a qualifying patient;

(b) Possess, in combination with and as an agent for the

qualifying patient, no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty day supply;

(c) Present a copy of the qualifying patient's valid documentation required by this chapter, as well as evidence of designation to act as primary caregiver by the patient, to any law enforcement official requesting such information;

(d) Be prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as primary caregiver; and

(e) Be the primary caregiver to only one patient at any one time.

**NEW SECTION. Sec. 6. DEFINITIONS.**

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

1. "Medical use of marijuana" means the production, possession, or administration of marijuana, as defined in RCW 69.50.101(q), for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating illness.

2. "Primary caregiver" means a person who:

(a) Is eighteen years of age or older;

(b) Is responsible for the housing, health, or care of the patient;

(c) Has been designated in writing by a patient to perform the duties of primary caregiver under this chapter.

3. "Qualifying Patient" means a person who:

(a) Is a patient of a physician licensed under chapter 18.71 or 18.57 RCW;

(b) Has been diagnosed by that physician as having a terminal or debilitating medical condition;

(c) Is a resident of the state of Washington at the time of such diagnosis;

(d) Has been advised by that physician about the risks and benefits of the medical use of marijuana; and

(e) Has been advised by that physician that they may benefit from the medical use of marijuana.

4. "Terminal or Debilitating Medical Condition" means:

(a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or

(b) Intractable pain, limited for the purpose of this chapter to mean pain unrelieved by standard medical treatments and medications; or

(c) Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or

(d) Any other medical condition duly approved by the Washington state medical quality assurance board as directed in this chapter.

5. "Valid Documentation" means:

(a) A statement signed by a qualifying patient's physician, or a copy of the qualifying patient's pertinent



## COMPLETE TEXT OF Initiative Measure 692 (continued)

medical records, which states that, in the physician's professional opinion, the potential benefits of the medical use of marijuana would likely outweigh the health risks for a particular qualifying patient; and

(b) Proof of Identity such as a Washington state driver's license or identicaid, as defined in RCW 46.20.035.

### NEW SECTION. Sec. 7. ADDITIONAL PROTECTIONS.

1. The lawful possession or manufacture of medical marijuana as authorized by this chapter shall not result in the forfeiture or seizure of any property.

2. No person shall be prosecuted for constructive possession, conspiracy, or any other criminal offense solely for being in the presence or vicinity of medical marijuana or its use as authorized by this chapter.

3. The state shall not be held liable for any deleterious outcomes from the medical use of marijuana by any qualifying patient.

### NEW SECTION. Sec. 8. RESTRICTIONS, AND LIMITATIONS REGARDING THE MEDICAL USE OF MARIJUANA.

1. It shall be a misdemeanor to use or display medical marijuana in a manner or place which is open to the view of the general public.

2. Nothing in this chapter requires any health insurance provider to be liable for any claim for reimbursement for the medical use of marijuana.

3. Nothing in this chapter requires any physician to authorize the use of medical marijuana for a patient.

4. Nothing in this chapter requires any accommodation of any medical use of marijuana in any place of employment, in any school bus or on any school grounds, or in any youth center.

5. It is a class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for the purpose of having it accepted as, valid documentation under section 6 (5) (a) of this act.

6. No person shall be entitled to claim the affirmative defense provided in Section 5 of this act for engaging in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway.

### NEW SECTION. Sec. 9. ADDITION OF MEDICAL CONDITIONS.

The Washington state medical quality assurance board, or other appropriate agency as designated by the governor, shall accept for consideration petitions submitted by

physicians or patients to add terminal or debilitating conditions to those included in this chapter. In considering such petitions, the Washington state medical quality assurance board shall include public notice of, and an opportunity to comment in a public hearing upon, such petitions. The Washington state medical quality assurance board shall, after hearing, approve or deny such petitions within one hundred eighty days of submission. The approval or denial of such a petition shall be considered a final agency action, subject to judicial review.

### NEW SECTION. Sec. 10. 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. 11. CAPTIONS NOT LAW.

Captions used in this chapter are not any part of the law.

### NEW SECTION. Sec. 12.

Sections 1 through 11 of this act constitute a new chapter in Title 69 RCW.



## COMPLETE TEXT OF Initiative Measure 694

AN ACT Relating to limiting partial-birth infanticide; adding a new chapter to Title 9A RCW; and prescribing penalties.

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

NEW SECTION. Sec. 1. The sovereign people hereby find that, in accordance with current scientific evidence, medical terminology and practice, and decisions of the United States supreme court in *Roe v. Wade* and other cases:

(1) Pregnancy begins with conception and ends when the process of birth begins.

(2) The process of birth begins when a living child begins to exit the uterus or womb by any means and ends when the child is fully delivered or expelled from the vagina or birth canal by any means.

(3) Birth is an irreversible process that, once begun, will inevitably result in the complete delivery or expulsion of an infant child.

(4) Even a living fetus that is prematurely and artificially extracted from the uterus or womb into the vagina or birth canal will be born alive if not killed during the process of birth.

(5) Scientifically, medically, and legally, a child in the process of birth is no longer a fetus, but an infant.



## COMPLETE TEXT OF Initiative Measure 694 (continued)

(6) The intentional killing of an infant child in the process of birth is infanticide.

(7) Abortion is the termination of a pregnancy by intentionally killing a living human fetus in the uterus or womb before the process of birth begins.

(8) Regulating partial-birth infanticide is not regulating abortion, but rather, is proscribing infanticide by restricting the killing of a live infant who is in the process of birth, that is, who has exited by any means, at least in part, the uterus or womb and has entered by any means, at least in part, the vagina or birth canal.

(9) Although the United States supreme court has declared a right to choose an abortion to terminate a pregnancy, it has never held that there is a fundamental or constitutional right to kill a partially born infant, that is, a child in the process of birth.

(10) Because abortion is the termination of a pregnancy, a prohibition against killing an infant child in the process of birth does not implicate abortion jurisprudence.

(11) This chapter is not intended to stop any abortion performed to terminate a pregnancy, but is intended to stop the killing of partially born infant children and to establish and maintain a clear and impenetrable barrier against partial-birth infanticide.

**NEW SECTION. Sec. 2.** (1) "Partial-birth infanticide" means the killing of an infant in the process of birth by a person who deliberately and intentionally performs a procedure on the partially born infant that the person knows will terminate the life of the infant and the procedure does terminate the life of the infant.

(2) "Partially born infant" means a child in the process of birth.

(3) "Process of birth" means the pregnancy has ended and the process of being born has begun, that is, the point in time has occurred when the maternal cervix has become dilated, the protective membrane of the amniotic sac has become ruptured, and any part or member of an infant child has passed from the uterus or womb beyond the plane of the cervical os.

**NEW SECTION. Sec. 3.** It is a felony for a person to perform partial-birth infanticide.

**NEW SECTION. Sec. 4.** This chapter does not apply to partial-birth infanticide performed to prevent the death of a mother where no other procedure, including the induction of labor or cesarean section, would suffice to prevent the death of the mother.

**NEW SECTION. Sec. 5.** This chapter does not apply to any abortion performed to terminate a pregnancy, that is, any abortion performed in the uterus or womb prior to the point in time when the pregnancy has ended and the process of birth has begun, that is, any abortion performed in the uterus or womb prior to the point in time when the maternal cervix has become dilated, the protective membrane of the amniotic sac has become ruptured, and any part or member of an infant child has passed from the uterus or womb beyond the plane of the cervical os.

**NEW SECTION. Sec. 6.** The provisions of this chapter are to be liberally construed to effectuate the policies and purposes of this chapter. In the event of conflict between this chapter and any other provision of law, the provisions of this chapter shall govern.

**NEW SECTION. Sec. 7.** 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. 8.** Sections 1 through 7 of this act constitute a new chapter in Title 9A RCW.



## COMPLETE TEXT OF Referendum Bill 49

AN ACT Relating to the reallocation of motor vehicle excise tax and general fund resources for the purpose of providing transportation funding, local criminal justice funding, and tax reduction; amending RCW 82.44.020, 82.44.041, 82.44.110, 82.44.150, 82.14.045, 82.14.200, 82.14.310, 82.14.330, 43.135.060, 82.50.410, 82.50.510, 35.58.273, 35.58.410, 43.160.070, 43.160.076, 43.160.080, 46.16.068, 70.94.015, 81.100.060, 82.08.020, 82.14.046, 82.44.023, 82.44.025, 82.44.155, 82.44.180, and 84.44.050; amending 1997 c 367 s 10 (uncodified); reenacting and amending RCW 82.14.320, 43.160.210, and 81.104.160; adding a new section to chapter 82.44 RCW; adding a new section to chapter 43.160 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 43.135 RCW; adding new sections to chapter 47.10 RCW; creating new sections; providing effective dates; providing contingent effective dates; providing for submission of certain sections of this act to a vote of the people; and declaring an emergency.

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



**COMPLETE TEXT OF  
Referendum Bill 49**  
(continued)

**NEW SECTION. Sec. 1.** The purpose of this act is to reallocate the general fund portion of the state's motor vehicle excise tax revenues among the taxpayers, local governments, and the state's transportation programs. By reallocating motor vehicle excise taxes, the state revenue portion can be dedicated to increased transportation funding purposes. Since the general fund currently has a budget surplus, due to a strong economy, the legislature feels that this reallocation is an appropriate short-term solution to the state's transportation needs and is a first step in meeting longer-term transportation funding needs. These reallocated funds must be used to provide relief from traffic congestion, improve freight mobility, and increase traffic safety.

In reallocating general fund resources, the legislature also ensures that other programs funded from the general fund are not adversely impacted by the reallocation of surplus general fund revenues. The legislature also adopts this act to continue the general fund revenue and expenditure limitations contained in chapter 43.135 RCW after this one-time transfer of funds.

In order to develop a long-term and comprehensive solution to the state's transportation problems, a joint committee will be created to study the state's transportation needs and the appropriate sources of revenue necessary to implement the state's long-term transportation needs as provided in section 22 of this act.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.44 RCW to read as follows:

(1) Beginning with motor vehicle registrations that are due or become due in July 1999, a credit is authorized against the tax imposed under RCW 82.44.020(1) on each personal-use motor vehicle equal to the lesser of the tax under RCW 82.44.020(1) or thirty dollars.

(2) For the purposes of this section, "personal-use motor vehicle" means a vehicle registered to a private individual, not owned by a business, and designated in one of the following use classes: (a) Passenger; (b) truck with a weight not to exceed six thousand pounds; or (c) motorcycle.

**Sec. 3.** RCW 82.44.020 and 1993 sp.s. c 23 s 61 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 ~~((as now or hereafter amended))~~, or dealer's licenses. The annual amount of such excise tax shall be two and two-

tenths percent of the value of such vehicle.

~~((An additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two tenths of one percent of the value of such vehicle.~~

~~((3) Effective with October 1992 motor vehicle registration expirations;)) A clean air excise tax is imposed in addition to any other tax imposed by this section for the privilege of using in the state any motor vehicle as defined in RCW 82.44.010, except that farm vehicles as defined in RCW 46.04.181 shall not be subject to the tax imposed by this subsection. The ~~((annual amount of the additional excise tax shall be two dollars and twenty-five cents. Effective with July 1994 motor vehicle registration expirations, the))~~ annual amount of additional excise tax shall be two dollars.~~

~~((4))~~ (3) An additional excise tax is imposed on truck-type power units that are used in combination with a trailer to transport loads in excess of forty thousand pounds combined gross weight. The annual amount of such additional excise tax shall be fifty-eight one-hundredths of one percent of the value of the vehicle.

The department shall distribute the additional tax collected under this subsection as follows:

(a) For each trailing unit subject to subsection ~~((5))~~ (4) of this section, an amount equal to the clean air excise tax prescribed in subsection ~~((3))~~ (2) of this section shall be distributed in the manner prescribed in RCW 82.44.110~~((3))~~ (2);

(b) ~~((f))~~ The remainder of the additional excise tax collected under this subsection ~~((, ten percent shall be distributed in the manner prescribed in RCW 82.44.110(2) and ninety percent))~~ shall be distributed in the manner prescribed in RCW 82.44.110(1). This tax shall not apply to power units used exclusively for hauling logs.

~~((5))~~ (4) The excise taxes imposed by subsections (1) ~~((through (3)))~~ and (2) of this section shall not apply to trailing units which are used in combination with a power unit subject to the additional excise tax imposed by subsection ~~((4))~~ (3) of this section. This subsection shall not apply to trailing units used for hauling logs.

~~((6))~~ (5) In no case shall the total tax be less than two dollars except for proportionally registered vehicles and except for vehicles on which a credit is granted under section 2 of this act.

~~((7))~~ (6) Washington residents, as defined in RCW 46.16.028, who license motor vehicles in another state or foreign country and avoid Washington motor vehicle excise taxes are liable for such unpaid excise taxes. The department of revenue may assess and collect the unpaid excise taxes under chapter 82.32 RCW, including the penalties and interest provided therein.

**Sec. 4.** RCW 82.44.041 and 1990 c 42 s 303 are each amended to read as follows:



**COMPLETE TEXT OF  
Referendum Bill 49**  
(continued)

(1) For the purpose of determining the tax under this chapter, the value of a truck-type power or trailing unit shall be the latest purchase price of the vehicle, excluding applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the following percentage based on year of service of the vehicle since last sale. The latest purchase year shall be considered the first year of service.

YEAR OF SERVICE	PERCENTAGE
1	100
2	90
3	83
4	75
5	67
6	59
7	52
8	44
9	36
10	28
11	21
12	13
13 or older	10

(2) The reissuance of title and registration for a truck-type power or trailing unit because of the installation of body or special equipment shall be treated as a sale, and the value of the truck-type power or trailing unit at that time, as determined by the department from such information as may be available, shall be considered the latest purchase price.

(3) For the purpose of determining the tax under this chapter, the value of a motor vehicle other than a truck-type power or trailing unit shall be the manufacturer's base suggested retail price of the vehicle when first offered for sale as a new vehicle, excluding any optional equipment, applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the applicable percentage listed in this subsection based on year of service of the vehicle.

If the manufacturer's base suggested retail price is unavailable or otherwise unascertainable at the time of initial registration in this state, the department shall determine a value equivalent to a manufacturer's base suggested retail price as follows:

(a) The department shall determine a value using any information that may be available, including any guidebook, report, or compendium of recognized standing in the automotive industry or the selling price and year of sale of the vehicle. The department may use an appraisal by the county assessor. In valuing a vehicle for which the current

value or selling price is not indicative of the value of similar vehicles of the same year and model, the department shall establish a value that more closely represents the average value of similar vehicles of the same year and model.

(b) The value determined in (a) of this subsection shall be divided by the applicable percentage listed in this subsection to establish a value equivalent to a manufacturer's base suggested retail price. The applicable percentage shall be based on the year of service of the vehicle for which the value is determined.

YEAR OF SERVICE	PERCENTAGE
1	100
2	<del>((100))</del> 95
3	<del>((94))</del> 89
4	83
5	74
6	65
7	57
8	48
9	40
10	31
11	22
12	14
13 or older	10

(4) For purposes of this chapter, value shall exclude value attributable to modifications of a motor vehicle and equipment that are designed to facilitate the use or operation of the motor vehicle by a handicapped person.

**Sec. 5.** RCW 82.44.110 and 1997 c 338 s 68 are each amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer.

(1) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

(a) ~~((1.60))~~ 1.455 percent into the motor vehicle fund through June 30, 1999, and 1.71 percent beginning July 1, 1999, to defray administrative and other expenses incurred by the department in the collection of the excise tax.

(b) ~~((8.45))~~ 7.409 percent into the Puget Sound capital construction account in the motor vehicle fund through June 30, 1999, and 8.712 percent beginning July 1, 1999.

(c) ~~((4.07))~~ 3.70 percent into the Puget Sound ferry operations account in the motor vehicle fund through June 30, 1999, and 4.351 percent beginning July 1, 1999.

(d) ~~((5.88))~~ 5.345 percent into the ~~((general fund to be distributed))~~ city police and fire protection assistance account under RCW 82.44.155 through June 30, 1999, and 6.286 percent beginning July 1, 1999.

(e) ~~((4.75))~~ 4.318 percent into the municipal sales and use



## COMPLETE TEXT OF Referendum Bill 49

(continued)

tax equalization account ~~((in the general fund))~~ created in RCW 82.14.210 through June 30, 1999, and 5.628 percent beginning July 1, 1999.

(f) ~~((1.60))~~ 1.455 percent into the county sales and use tax equalization account ~~((in the general fund))~~ created in RCW 82.14.200 through June 30, 1999, and 1.71 percent beginning July 1, 1999.

(g) ~~((62.6440))~~ 13.573 percent into the general fund through June 30, ~~((1995, and 57.6440 percent into the general fund beginning July 1, 1995))~~ 1999.

(h) ~~((5))~~ 43.605 percent into the transportation fund created in RCW 82.44.180 through June 30, 1999, and 51.203 percent beginning July 1, ~~((1995))~~ 1999.

(i) ~~((5.9686))~~ 5.426 percent into the county criminal justice assistance account created in RCW 82.14.310 through June 30, 1999, and 3.892 percent beginning July 1, 1999.

(j) ~~((1.1997))~~ 1.085 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.320 through June 30, 1999, and 0.778 percent beginning July 1, 1999.

(k) ~~((1.1997))~~ 1.085 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.330 through June 30, 1999, and 0.778 percent beginning July 1, 1999.

(l) ~~((2.95))~~ 2.682 percent into the county public health account created in RCW 70.05.125 through June 30, 1999, and 3.153 percent beginning July 1, 1999.

(m) 8.862 percent into the motor vehicle fund through June 30, 1999, and 10.422 percent beginning July 1, 1999.

(n) 1.377 percent into the distressed county assistance account under section 10 of this act beginning July 1, 1999.

Notwithstanding (i) through (k) of this subsection, ~~((no more than sixty million dollars shall be deposited into the accounts specified in (i) through (k) of this subsection for the period January 1, 1994, through June 30, 1995. Not more than five percent of the funds deposited to these accounts shall be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Motor vehicle excise tax funds appropriated for such enhancements shall not supplant existing funds from the state general fund. For the fiscal year ending June 30, 1998, and))~~ for each fiscal year ~~((thereafter))~~ through fiscal year 1999, the amounts deposited into the accounts specified in (i) through (k) of this subsection shall not increase by more than the amounts deposited into those accounts in the previous fiscal year increased by the implicit price deflator for the previous fiscal year. Any revenues in excess of this amount shall be deposited into the violence reduction and drug enforcement

account.

~~(2) ((The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund:~~

~~(3)))~~ The state treasurer shall deposit the excise tax imposed by RCW 82.44.020~~((3))~~ (2) into the air pollution control account created by RCW 70.94.015.

Sec. 6. RCW 82.44.150 and 1995 2nd sp.s. c 14 s 538 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes imposed by RCW 82.44.020 (1) ~~((and (2)))~~ remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020~~((3))~~ (2) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the ~~((general fund, under RCW 82.44.110(1)(g)))~~ transportation fund under RCW 82.44.110, make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within each county that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders; except that in a case of a municipality located in a county that has a population of one hundred seventy-five thousand or more that does not have an interstate highway located within its borders, that sum



## COMPLETE TEXT OF Referendum Bill 49

(continued)

shall be deposited in the passenger ferry account;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, ~~((for revenues distributed after December 31, 1992;))~~ within a county with a population of one million or more and a county with a population of from two hundred thousand to less than one million bordering a county with a population of one million or more, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero; and

(c) To the public transportation systems account created in RCW 82.44.180, ~~((for revenues distributed after December 31, 1992;))~~ within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

~~(d) To the general fund, for revenues distributed after June 30, 1993, and to the transportation fund, for revenues distributed after June 30, 1995, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent~~

~~notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection and RCW 82.14.046)).~~

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding (i) the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and (ii) the sales and use tax equalization distributions provided under RCW 82.14.046; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter, excluding the sales and use tax equalization distributions provided under RCW 82.14.046.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year excluding the sales and use tax equalization distributions provided under RCW 82.14.046. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.





**COMPLETE TEXT OF  
Referendum Bill 49**  
(continued)

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section and RCW 82.14.046 shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

**Sec. 7.** RCW 82.14.045 and 1991 c 363 s 158 are each amended to read as follows:

(1) The legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a county with a population of one million or more pursuant to chapter 35.58 RCW, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance, or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of public transportation and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this chapter: PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon: PROVIDED FURTHER, That where such a proposition is submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of section 10, chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such

county as otherwise required by this section.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be. The rate of such tax shall be one-tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such tax shall not exceed the rate authorized by the voters unless such increase shall be similarly approved.

(2)(a) In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly within such metropolitan municipal corporation shall be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization.

(b) In the event a county transportation authority shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(c) In the event a public transportation benefit area shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(3) Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273, except that the local sales and use tax revenue collected under this section by a city with a population greater than sixty thousand that as of January 1, 1998, owns and operates a municipal public transportation system shall be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, of the proceeds of the motor vehicle excise tax authorized under RCW 35.58.273 as follows:



**COMPLETE TEXT OF  
Referendum Bill 49**  
(continued)

(a) For fiscal year 2000, revenues collected under this section shall be counted as locally generated tax revenues for up to 25 percent of the tax collected under RCW 35.58.273;

(b) For fiscal year 2001, revenues collected under this section shall be counted as locally generated tax revenues for up to 50 percent of the tax collected under RCW 35.58.273;

(c) For fiscal year 2002, revenues collected under this section shall be counted as locally generated tax revenues for up to 75 percent of the tax collected under RCW 35.58.273; and

(d) For fiscal year 2003 and thereafter, revenues collected under this section shall be counted as locally generated tax revenues for up to 100 percent of the tax collected under RCW 35.58.273.

**Sec. 8.** RCW 82.14.200 and 1997 c 333 s 2 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "county sales and use tax equalization account." Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.110(~~(+)(#)~~). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for the unincorporated area of each county and the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, (~~as now or hereafter amended;~~) the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than one hundred fifty thousand dollars from the tax for the previous calendar year, an amount from the county sales and use tax equalization account sufficient, when added to the amount of revenues received the previous calendar year by the county, to equal one hundred fifty thousand dollars.

The department of revenue shall establish a governmental price index as provided in this subsection. The base year for the index shall be the end of the third quarter of 1982. Prior to November 1, 1983, and prior to each November 1st thereafter, the department of revenue shall establish another index figure for the third quarter of that year. The department of revenue may use the implicit price deflators for state and

local government purchases of goods and services calculated by the United States department of commerce to establish the governmental price index. Beginning on January 1, 1984, and each January 1st thereafter, the one hundred fifty thousand dollar base figure in this subsection shall be adjusted in direct proportion to the percentage change in the governmental price index from 1982 until the year before the adjustment. Distributions made under this subsection for 1984 and thereafter shall use this adjusted base amount figure.

(3) Subsequent to the distributions under subsection (2) of this section and at such times as distributions are made under RCW 82.44.150, (~~as now or hereafter amended;~~) the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties as determined by the department of revenue under subsection (1) of this section, an amount from the county sales and use tax equalization account sufficient, when added to the per capita level of revenues for the unincorporated area received the previous calendar year by the county, to equal seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties determined under subsection (1) of this section, subject to reduction under subsections (6) and (7) of this section. When computing distributions under this section, any distribution under subsection (2) of this section shall be considered revenues received from the tax imposed under RCW 82.14.030(1) for the previous calendar year.

(4) Subsequent to the distributions under subsection (3) of this section and at such times as distributions are made under RCW 82.44.150, (~~as now or hereafter amended;~~) the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (2) of this section, a third distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (2) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the total distribution under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) Subsequent to the distributions under subsection (4) of this section and at such times as distributions are made under RCW 82.44.150, (~~as now or hereafter amended;~~) the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a fourth distribution from the county sales and use



**COMPLETE TEXT OF  
Referendum Bill 49**  
(continued)

tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (3) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the distributions under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(6) Revenues distributed under subsections (2) through (5) of this section in any calendar year shall not exceed an amount equal to seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties during the previous calendar year. If distributions under subsections (3) through (5) of this section cannot be made because of this limitation, then distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties.

(7) If inadequate revenues exist in the county sales and use tax equalization account to make the distributions under subsections (3) through (5) of this section, then the distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties. At such time during the year as additional funds accrue to the county sales and use tax equalization account, additional distributions shall be made under subsections (3) through (5) of this section to the counties.

(8) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion an amount to the county public health account created in RCW 70.05.125 equal to the adjustment under RCW 70.05.125(2)(b).

(9) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) and (8) of this section, then the additional revenues shall be credited and transferred (~~to the state general fund~~) as follows:

(a) Fifty percent to the public facilities construction loan revolving account under RCW 43.160.080; and

(b) Fifty percent to the distressed county public facilities construction loan account under section 9 of this act, or so much thereof as will not cause the balance in the account to exceed twenty-five million dollars. Any remaining funds

shall be deposited into the public facilities construction loan revolving account.

**NEW SECTION. Sec. 9.** A new section is added to chapter 43.160 RCW to read as follows:

The distressed county public facilities construction loan account is created in the state treasury. All funds provided under RCW 82.14.200 shall be deposited in the account. Moneys in the account may be spent only after appropriation. Moneys in the account shall only be used to provide financial assistance under this chapter to distressed counties that have experienced extraordinary costs due to the location of a major new business facility or the substantial expansion of an existing business facility in the county.

For purposes of this section, the term "distressed counties" includes any county in which the average level of unemployment for the three years before the year in which an application for financial assistance is filed exceeds the average state employment for those years by twenty percent.

**NEW SECTION. Sec. 10.** A new section is added to chapter 82.14 RCW to read as follows:

(1) The distressed county assistance account is created in the state treasury. Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.110. At such times as distributions are made under RCW 82.44.150, the state treasurer shall distribute the funds in the distressed county assistance account to each county imposing the sales and use tax authorized under RCW 82.14.370 in the same proportions as distributions of the tax imposed under RCW 82.14.370 for the previous quarter.

(2) Funds distributed from the distressed county assistance account shall be expended by the counties for criminal justice and other purposes.

**Sec. 11.** RCW 82.14.310 and 1995 c 398 s 11 are each amended to read as follows:

(1) The county criminal justice assistance account is created in the state treasury. Beginning in fiscal year 2000, the state treasurer shall transfer into the county criminal justice assistance account from the general fund the sum of twenty-three million two hundred thousand dollars divided into four equal deposits occurring on July 1, October 1, January 1, and April 1. For each fiscal year thereafter, the state treasurer shall increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025, forecast for that fiscal year by the office of financial management in November of the preceding year.

(2) The moneys deposited in the county criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under (~~RCW 82.44.110~~) subsection (4) of this section, shall be distributed at such times as distributions are made under RCW 82.44.150 and on the relative basis of each county's funding



## COMPLETE TEXT OF Referendum Bill 49

(continued)

factor as determined under this subsection.

(a) A county's funding factor is the sum of:

- (i) The population of the county, divided by one thousand, and multiplied by two-tenths;
- (ii) The crime rate of the county, multiplied by three-tenths; and
- (iii) The annual number of criminal cases filed in the county superior court, for each one thousand in population, multiplied by five-tenths.

(b) Under this section and RCW 82.14.320 and 82.14.330:

- (i) The population of the county or city shall be as last determined by the office of financial management;
- (ii) The crime rate of the county or city is the annual occurrence of specified criminal offenses, as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs, for each one thousand in population;
- (iii) The annual number of criminal cases filed in the county superior court shall be determined by the most recent annual report of the courts of Washington, as published by the office of the administrator for the courts;
- (iv) Distributions and eligibility for distributions in the 1989-91 biennium shall be based on 1988 figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection. Future distributions shall be based on the most recent figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection.

(3) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(4) Not more than five percent of the funds deposited to the

county criminal justice assistance account shall be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Funds appropriated from this account for such enhancements shall not supplant existing funds from the state general fund.

**Sec. 12.** RCW 82.14.320 and 1995 c 398 s 12 and 1995 c 312 s 84 are each reenacted and amended to read as follows:

(1) The municipal criminal justice assistance account is created in the state treasury. Beginning in fiscal year 2000, the state treasurer shall transfer into the municipal criminal justice assistance account for distribution under this section from the general fund the sum of four million six hundred thousand dollars divided into four equal deposits occurring on July 1, October 1, January 1, and April 1. For each fiscal year thereafter, the state treasurer shall increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025, forecast for that fiscal year by the office of financial management in November of the preceding year.

(2) No city may receive a distribution under this section from the municipal criminal justice assistance account unless:

(a) The city has a crime rate in excess of one hundred twenty-five percent of the state-wide average as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs;

(b) The city has levied the tax authorized in RCW 82.14.030(2) at the maximum rate or the tax authorized in RCW 82.46.010(3) at the maximum rate; and

(c) The city has a per capita yield from the tax imposed under RCW 82.14.030(1) at the maximum rate of less than one hundred fifty percent of the state-wide average per capita yield for all cities from such local sales and use tax.

(3) The moneys deposited in the municipal criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under ~~((RCW 82.44.110))~~ subsection (7) of this section, shall be distributed at such times as distributions are made under RCW 82.44.150. The distributions shall be made as follows:

(a) Unless reduced by this subsection, thirty percent of the moneys shall be distributed ratably based on population as last determined by the office of financial management to those cities eligible under subsection (2) of this section that have a crime rate determined under subsection (2)(a) of this section which is greater than one hundred seventy-five percent of the state-wide average crime rate. No city may receive more than fifty percent of any moneys distributed under this subsection (a) but, if a city distribution is reduced as a result of exceeding the fifty percent limitation, the amount not distributed shall be distributed under (b) of this subsection.

(b) The remainder of the moneys, including any moneys



## COMPLETE TEXT OF Referendum Bill 49

(continued)

not distributed in subsection (2)(a) of this section, shall be distributed to all cities eligible under subsection (2) of this section ratably based on population as last determined by the office of financial management.

(4) No city may receive more than thirty percent of all moneys distributed under subsection (3) of this section.

(5) Notwithstanding other provisions of this section, the distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located.

(6) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020, and publications and public educational efforts designed to provide information and assistance to parents in dealing with runaway or at-risk youth. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(7) Not more than five percent of the funds deposited to the municipal criminal justice assistance account shall be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Funds appropriated from this account for such enhancements shall not supplant existing funds from the state general fund.

**Sec. 13.** RCW 82.14.330 and 1995 c 398 s 13 are each amended to read as follows:

(1) Beginning in fiscal year 2000, the state treasurer shall transfer into the municipal criminal justice assistance account for distribution under this section from the general fund the sum of four million six hundred thousand dollars divided into four equal deposits occurring on July 1, October 1, January 1, and April 1. For each fiscal year thereafter, the

state treasurer shall increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025, forecast for that fiscal year by the office of financial management in November of the preceding year. The moneys deposited in the municipal criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under ((RCW 82.44.110)) subsection (4) of this section, shall be distributed to the cities of the state as follows:

(a) Twenty percent appropriated for distribution shall be distributed to cities with a three-year average violent crime rate for each one thousand in population in excess of one hundred fifty percent of the state-wide three-year average violent crime rate for each one thousand in population. The three-year average violent crime rate shall be calculated using the violent crime rates for each of the preceding three years from the annual reports on crime in Washington state as published by the Washington association of sheriffs and police chiefs. Moneys shall be distributed under this subsection (1)(a) ratably based on population as last determined by the office of financial management, but no city may receive more than one dollar per capita. Moneys remaining undistributed under this subsection at the end of each calendar year shall be distributed to the criminal justice training commission to reimburse participating city law enforcement agencies with ten or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training, as provided in RCW 43.101.200.

(b) Sixteen percent shall be distributed to cities ratably based on population as last determined by the office of financial management, but no city may receive less than one thousand dollars.

The moneys deposited in the municipal criminal justice assistance account for distribution under this subsection shall be distributed at such times as distributions are made under RCW 82.44.150.

Moneys distributed under this subsection shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.



## COMPLETE TEXT OF Referendum Bill 49

(continued)

(2) In addition to the distributions under subsection (1) of this section:

(a) Fourteen percent shall be distributed to cities that have initiated innovative law enforcement strategies, including alternative sentencing and crime prevention programs. No city may receive more than one dollar per capita under this subsection (2)(a).

(b) Twenty percent shall be distributed to cities that have initiated programs to help at-risk children or child abuse victim response programs. No city may receive more than fifty cents per capita under this subsection (2)(b).

(c) Twenty percent shall be distributed to cities that have initiated programs designed to reduce the level of domestic violence within their jurisdictions or to provide counseling for domestic violence victims. No city may receive more than fifty cents per capita under this subsection (2)(c).

(d) Ten percent shall be distributed to cities that contract with another governmental agency for a majority of the city's law enforcement services.

Moneys distributed under this subsection shall be distributed to those cities that submit funding requests under this subsection to the department of community, trade, and economic development based on criteria developed under RCW 82.14.335. Allocation of funds shall be in proportion to the population of qualified jurisdictions, but the distribution to a city shall not exceed the amount of funds requested. Cities shall submit requests for program funding to the department of community, trade, and economic development by November 1 of each year for funding the following year. The department shall certify to the state treasurer the cities eligible for funding under this subsection and the amount of each allocation.

The moneys deposited in the municipal criminal justice assistance account for distribution under this subsection, less any moneys appropriated for purposes under ~~((RCW 82.44.110))~~ subsection (4) of this section, shall be distributed at the times as distributions are made under RCW 82.44.150. Moneys remaining undistributed under this subsection at the end of each calendar year shall be distributed to the criminal justice training commission to reimburse participating city law enforcement agencies with ten or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training, as provided in RCW 43.101.200.

If a city is found by the state auditor to have expended funds received under this subsection in a manner that does not comply with the criteria under which the moneys were received, the city shall be ineligible to receive future

distributions under this subsection until the use of the moneys are justified to the satisfaction of the director or are repaid to the state general fund. The director may allow noncomplying use of moneys received under this subsection upon a showing of hardship or other emergent need.

(3) Notwithstanding other provisions of this section, the distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located.

(4) Not more than five percent of the funds deposited to the municipal criminal justice assistance account shall be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Funds appropriated from this account for such enhancements shall not supplant existing funds from the state general fund.

**NEW SECTION. Sec. 14.** A new section is added to chapter 43.135 RCW to read as follows:

(1) Initiative Measure No. 601 (chapter 43.135 RCW, as amended by chapter . . . , Laws of 1998 (this act) and the amendatory changes enacted by section 6, chapter 2, Laws of 1994) is hereby reenacted and reaffirmed. The legislature also adopts this act to continue the general fund revenue and expenditure limitations contained in this chapter 43.135 RCW after this one-time transfer of funds.

(2) RCW 43.135.035(4) does not apply to sections 5 through 13, chapter . . . , Laws of 1998 (sections 5 through 13 of this act).

**Sec. 15.** RCW 43.135.060 and 1994 c 2 s 5 are each amended to read as follows:

(1) After July 1, 1995, the legislature shall not impose responsibility for new programs or increased levels of service under existing programs on any political subdivision of the state unless the subdivision is fully reimbursed ~~((by specific appropriation))~~ by the state for the costs of the new programs or increases in service levels. Reimbursement by the state may be made by: (a) A specific appropriation; or (b) increases in state distributions of revenue to political subdivisions occurring after January 1, 1998.

(2) If by order of any court, or legislative enactment, the costs of a federal or local government program are transferred to or from the state, the otherwise applicable state expenditure limit shall be increased or decreased, as the case may be, by the dollar amount of the costs of the program.

(3) The legislature, in consultation with the office of financial management or its successor agency, shall determine the costs of any new programs or increased levels of service under existing programs imposed on any political subdivision or transferred to or from the state.



**COMPLETE TEXT OF  
Referendum Bill 49**  
(continued)

(4) Subsection (1) of this section does not apply to the costs incurred for voting devices or machines under RCW 29.04.200.

**NEW SECTION. Sec. 16.** In order to provide funds necessary for the location, design, right of way, and construction of state and local highway improvements, there shall be issued and sold upon the request of the Washington state transportation commission a maximum of one billion nine hundred million dollars of general obligation bonds of the state of Washington.

**NEW SECTION. Sec. 17.** Upon the request of the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by sections 16 through 21 of this act in accordance with chapter 39.42 RCW. Bonds authorized by sections 16 through 21 of this act shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

**NEW SECTION. Sec. 18.** The proceeds from the sale of bonds authorized by sections 16 through 21 of this act shall be deposited in the motor vehicle fund. The proceeds shall be available only for the purposes enumerated in section 16 of this act, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

**NEW SECTION. Sec. 19.** Bonds issued under the authority of sections 16 through 21 of this act shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on the bonds shall be first payable in the manner provided in sections 16 through 21 of this act from the proceeds of the state excise taxes on motor vehicle

and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of sections 16 through 21 of this act, and the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of sections 16 through 21 of this act.

**NEW SECTION. Sec. 20.** Both principal and interest on the bonds issued for the purposes of sections 16 through 21 of this act shall be payable from the highway bond retirement fund. The state finance committee may provide that a special account be created in the fund to facilitate payment of the principal and interest. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the motor vehicle fund and deposit in the highway bond retirement fund, or a special account in the fund, such amounts, and at such times, as are required by the bond proceedings.

Any funds required for bond retirement or interest on the bonds authorized by sections 16 through 21 of this act shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and which is, or may be, appropriated to the department of transportation for state highway purposes. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state, counties, cities and towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the state in the motor vehicle fund proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Any payments for bond retirement or interest on the bonds taken from other revenues from the motor vehicle fuel or special fuel taxes that are distributable to the state, counties, cities, and towns, shall be repaid from the first revenues from the motor vehicle fuel or special fuel taxes distributed to the motor vehicle fund not required for bond retirement or interest on the bonds.

**NEW SECTION. Sec. 21.** Bonds issued under the authority of sections 16 through 20 of this act and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuels excise taxes.



## COMPLETE TEXT OF Referendum Bill 49

(continued)

**NEW SECTION. Sec. 44.** Sections 16 through 21 of this act are each added to chapter 47.10 RCW.

**NEW SECTION. Sec. 45.** 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. 46.** (1) Sections 1 through 3, 5 through 21, 44, and 45 of this act take effect January 1, 1999.

(2) Section 4 of this act takes effect July 1, 1999, and applies to registrations that are due or become due in July 1999, and thereafter.

### PLEASE NOTE

Sections 22 through 43, and 47 through 50 of Chapter 231, Laws of 1998 were not referred to the voters by the Legislature as part of Referendum Bill 49.



## COMPLETE TEXT OF Initiative Measure 200

AN ACT Relating to prohibiting government entities from discriminating or granting preferential treatment based on race, sex, color, ethnicity, or national origin; and adding new sections to chapter 49.60 RCW.

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

**NEW SECTION. Sec. 1.** (1) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

(2) This section applies only to action taken after the effective date of this section.

(3) This section does not affect any law or governmental action that does not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin.

(4) This section does not affect any otherwise lawful classification that:

(a) Is based on sex and is necessary for sexual privacy or medical or psychological treatment; or

(b) Is necessary for undercover law enforcement or for film, video, audio, or theatrical casting; or

(c) Provides for separate athletic teams for each sex.

(5) This section does not invalidate any court order or consent decree that is in force as of the effective date of this section.

(6) This section does not prohibit action that must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the state.

(7) For the purposes of this section, "state" includes, but is not necessarily limited to, the state itself, any city, county, public college or university, community college, school district, special district, or other political subdivision or governmental instrumentality of or within the state.

(8) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of Washington anti-discrimination law.

(9) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law, the United States Constitution, or the Washington state Constitution, the section shall be implemented to the maximum extent that federal law, the United States Constitution, and the Washington state Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.

**NEW SECTION. Sec. 2.** This act shall be known and cited as the Washington State Civil Rights Act.

**NEW SECTION. Sec. 3.** Sections 1 and 2 of this act are each added to chapter 49.60 RCW.



# United States Senator



The people of Washington elected Patty Murray - working mother, former educator, president of her local school board and state legislator - to represent their interests and values in the U.S. Senate.

Today, Senator Murray is recognized for her common-sense approach and her willingness to work with members of both parties to forge solutions for Washington's working families. After only one term, she has gotten results.

As a member of the Budget Committee, she helped balance the budget while protecting Social Security and Medicare. She is a leader on education and women's issues as a member of the Labor and Human Resources Committee. She wrote and passed legislation to put computers in classrooms, improve technology training for teachers and protect our children from Internet pornography. As the first woman to serve on the Veterans' Affairs Committee, she fought for legislation to protect veterans' benefits.

Patty Murray is a tireless advocate for Washington State. A member of the Appropriations Committee, she has worked to secure needed money to ease traffic congestion, set aside wilderness areas, put more police on our streets and strengthen drug enforcement. She is leading the effort to protect the Hanford Reach, the last free-flowing stretch of the Columbia River. She is working to increase trade opportunities for businesses in Washington, creating jobs and economic prosperity.

We face many important decisions that will shape our future. We must fix Social Security. We must keep our economy strong. We must ensure that our children receive a quality education to prepare them for the future. Patty Murray is running for re-election because she wants to be our voice on these and other important issues.

Patty Murray is a U.S. Senator who has earned our trust. She understands the concerns of Washington's families, and she is working to improve our quality of life.



## **Patty MURRAY**

**Democrat**

**Campaign Address:**  
People for Patty Murray  
PO Box 3662

Seattle, WA 98124-3662

Telephone: (206) 443-8636

E-mail: [campmail@pattymurray98.com](mailto:campmail@pattymurray98.com)

Internet: [www.pattymurray98.com](http://www.pattymurray98.com)



# United States Senator



## Linda SMITH

### Republican

Campaign Address:  
Committee to Elect

Linda Smith

13500 BelRed Road, Suite #15

Bellevue, WA 98005

Telephone: (425) 957-7676

E-mail: [linda\\_for\\_senate2@prodigy.net](mailto:linda_for_senate2@prodigy.net)

Internet: [www.lindasmith.com](http://www.lindasmith.com)

Dear Friend,

**You know me by the things we have accomplished together.** I wrote Initiative 601 - "The Taxpayer Protection Act." You and I worked together to pass it, and today our state government lives within a budget just like you and your family. Initiative 601 forced state government to cut more than \$1.7 billion in taxes for working families.

Patty Murray has a different approach to government. She's proud of her strong liberal record and truly believes higher taxes and bigger government are the best ways to help people.

I disagree. **In Congress, I've worked to reduce taxes, cut waste and fight crime.**

I've been criticized by some for not accepting PAC contributions from special interests. But, I don't work for them - I work for you.

That's why I stood with our working families when Congress wanted to take \$500 billion dollars from the Social Security Trust Fund to pay for bigger government. Patty Murray voted against working families.

It's why I voted against a proposal to take billions from veterans' health care to pay for corporate welfare.

And, it's why I helped fight against a pay-raise for politicians and then, when it passed anyway, gave my pay-raise to charity.

**I've fought without fear or favor for what is right.** Now, I need your support for U.S. Senate. I ask for your trust and confidence!

**"Patty Murray voted to take billions from veterans' health care in the pork-barrel transportation bill. Linda Smith voted for veterans."** —Bill Warfield, Vietnam Veterans of America

**"Linda has always been a strong friend of small business in the Congress. We need her in the Senate."** —Jack Faris, National Federation of Independent Business

**"Linda Smith's a courageous leader that money can't influence. Law enforcement counts on her. You can too."** —Sheriff John McCroskey.

STATE OF WASHINGTON

# Voters Pamphlet

General Election, November 3, 1998



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