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1977 Official

VOTERS PAMPHLET

General Election Tuesday, November 8, 1977

Arguments, Explanatory Statements, and Texts of:

- Initiative Measure 335
- Initiative Measure 345
- Initiative Measure 348
- Referendum Measure 39
- Referendum Measure 40
- Initiative to the Legislature 59
- Senate Joint Resolution 113
- House Joint Resolution 55
- House Joint Resolution 56
- House Joint Resolution 57



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How to Obtain an Absentee Ballot:

Any registered voter who cannot vote in person may apply directly to his county auditor or department of elections for an absentee ballot. Any signed request containing the necessary information will be honored. For your convenience, an application is reproduced below. The addresses of the auditors or departments of election are also listed below. In order to be certain that the voters' application is authentic, the election laws require that the signature on the application be verified by comparison with the signature with the voter's permanent registration record. For this reason, if a husband and wife both wish to vote by absentee ballot, separate, signed requests should be submitted. In order to be counted, an absentee ballot must be voted and postmarked no later than the day of the election. For this reason, sufficient time must be allowed for an exchange of correspondence with the county auditor or department of elections.

COUNTY	ADDRESS	CITY	ZIP	COUNTY	ADDRESS	CITY	ZIP
Adams	County Courthouse	Ritzville	99169	Lewis	344 West Main	Chehalis	98532
Asotin	135 Second Street	Asotin	99402	Lincoln	450 Logan Street	Davenport	99122
Benton	County Courthouse	Prosser	99350	Mason	Fourth & Alder	Shelton	98584
Chelan	County Courthouse	Wenatchee	98801	Okanogan	149 Third North	Okanogan	98840
Clallam	319 South Lincoln	Port Angeles	98362	Pacific	Memorial Avenue	South Bend	98586
Clark	12th & Franklin	Vancouver	98660	Pend Oreille	625 West Fourth	Newport	99156
Columbia	341 East Main	Dayton	99328	Pierce	930 Tacoma Avenue	Tacoma	98402
Cowlitz	309 Academy Street	Kelso	98626	San Juan	P. O. Box 638	Friday Harbor	98250
Douglas	County Courthouse	Waterville	98858	Skagit	205 Kincaid Street	Mount Vernon	98273
Ferry	County Courthouse	Republic	99166	Skamania	County Courthouse	Stevenson	98648
Franklin	1016 North Fourth	Pasco	99301	Snohomish	3000 Rockefeller	Everett	98201
Garfield	County Courthouse	Pomeroy	99347	Spokane	1116 West Broadway	Spokane	99201
Grant	P.O. Box 1028	Ephrata	98823	Stevens	South Oak Street	Colville	99114
Grays Harbor	100 West Broadway	Montesano	98563	Thurston	11th & Capitol Way	Olympia	98501
Island	Seventh & Main	Coupeville	98239	Wahkiakum	County Courthouse	Cathlamet	98612
Jefferson	Jefferson & Cass	Port Townsend	98368	Walla Walla	315 West Main	Walla Walla	99362
King	500 Fourth Avenue	Seattle	98104	Whatcom	311 Grand Avenue	Bellingham	98225
Kitsap	614 Division Street	Port Orchard	98366	Whitman	North Main Street	Colfax	99111
Kittitas	205 West Fifth	Ellensburg	98926	Yakima	North 2nd & East "B"	Yakima	98901
Klickitat	County Courthouse	Goldendale	98620				

CLIP FORM OUT ON THIS LINE

Absentee Ballot Request

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

AT
ADDRESS CITY OR TOWN ZIP

PHONE NO. PRECINCT
(IF KNOWN)

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

.....
STREET ADDRESS CITY OR TOWN STATE ZIP

This application is for the state general election to be held November 8, 1977.

**TO BE VALID, YOUR
SIGNATURE MUST
BE INCLUDED**

SIGNATURE X

SIGNATURE X

Note: If husband and wife both want absentee ballots, signatures of each are necessary.

FOR OFFICE USE ONLY

REGISTRATION NUMBER PRECINCT CODE LEG. DIST.

REGISTRATION VERIFIED DEPUTY SIGNATURE BALLOT MAILED

BALLOT CODE ADDRESS CHANGE BALLOT RETURNED

Introduction to the Official Voters' Pamphlet

WASHINGTON STATE LIBRARY



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LIBRARY USE ONLY

On November 8, you will have the opportunity to vote on state ballot measures and numerous local offices. This voters' pamphlet is sent to you and all other residents of Washington State to assist you in making informed decisions on those measures which will appear on the ballot statewide.

The first section of the pamphlet contains the official ballot titles and explanatory statements as prepared by the Attorney General, for each state measure. Statements "for" and "against" and rebuttal statements for each argument have been prepared by both the proponents and opponents of these measures, as prescribed by law. The second section of the pamphlet contains the complete text of each state measure upon which you will be voting.

As Secretary of State of the State of Washington, I certify that the text of each proposed measure, ballot title, explanatory statement, statement for and against, and rebuttal statement which appears in this pamphlet, is a true and correct copy of the original document filed in my office. Witness my hand and the seal of the State of Washington.



BRUCE K. CHAPMAN

Secretary of State

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DO YOU HAVE A QUESTION?

If so, call toll-free to the Voter Information Service in the Office of the Secretary of State at 1-800-562-6020. Voters from any part of the state may call toll-free to the Office of the Secretary of State to obtain information about state ballot measures, absentee voting, or any other questions regarding the general election.

This service will be provided Monday through Friday, from noon until 8 p.m. from October 25 through November 8 and will also be open from 9 a.m. to 5 p.m. on Saturday, October 29, and Saturday, November 5.



Initiative Measure 335

TO THE PEOPLE

Official Ballot Title:

Shall places where obscene films are publicly and regularly shown or obscene publications a principal stock in trade be prohibited?

The Law as it now exists:

At the present time there are certain criminal offenses such as prostitution, illegal gambling, fighting in public, committing a breach of the peace in public, maintaining a house of ill-repute and maintaining a house where illegal gambling is carried on which are subject to prosecution by appropriate authorities. None of these

Statement for

AIMED AT CORRUPTION

335 hits hard at places that specialize in films, magazines and books that depict explicit sex acts between adults, adults and children, and even humans and animals. This material affects human beings and pollutes all of society. It leads individuals to commit crimes of violence, abduction, incest, rape, and sexual abuse of children.

RIDICULE WILL BE USED BY OPPONENTS

335 is designed to stamp out *only* outright filth and perversion. It is not prudish; it does not attack works of art, literature or science. Don't believe the words of ridicule that will be used against this important law.

RIGHTS OF DECENT CITIZENS COME FIRST

335 in no way violates the freedom of speech amendment to our Constitution. The U. S. Supreme Court has held repeatedly that pornography is not protected by the First Amendment. This is not a problem of "consenting adults." Children, families and legitimate businesses are all being hurt; and the taxpayer is footing the bill for increased crime.

BIG MONEY ATTRACTS ORGANIZED CRIME

Organized crime is involved in the pornography racket. Police reports say that organized crime exclusively profits from the pornography industry. It takes a tough law to run it out of the State. 335 is patterned after an Ohio law which has been upheld in courts as constitutional. It is properly written and will hold up in the Supreme Court.

BIG MONEY IS BEING MADE IN HARD-CORE PORNOGRAPHY! BIG MONEY WILL BE SPENT TO KEEP HARD-CORE PORNOGRAPHY! KEEP PORNOGRAPHY OUT OF YOUR NEIGHBORHOOD! VOTE YES ON 335! HARD-CORE PORNOGRAPHY MUST GO!

Rebuttal of Statement against

OPPOSITION'S STATEMENTS FALSE

The opposition's statements are false and misleading. The Initiative can be used *only* against places that specialize in hard-core pornography. Court hearings are required *before* judges can act. Many procedural safeguards are included.

INITIATIVE IS TESTED AND CONSTITUTIONAL

The definition of hard-core pornography is taken directly from the United States Supreme Court. The Initiative has been repeatedly tested and proven constitutional. Organized crime has infiltrated this horrible business. Boycotts won't work. Good, tough laws like 335 are needed.

Voters' Pamphlet Statement Prepared by:

DON T. TALLEY, State Senator; MARGARET HURLEY, State Representative; E. C. "EV" RENAS, Business Executive.

Advisory Committee: CHARLES R. LONERGAN, Attorney; LESTER R. GREENWOOD, C.P.A.; JOHN HEMPLEMANN, Attorney; DOUGLAS G. WOODWARD, Business Executive; DONALD BROCKETT, Spokane County Prosecuting Attorney.

offenses, however, other than maintaining a house of lewdness, assignation or prostitution, is considered to be a legal nuisance. They cannot, therefore, be abated or enjoined in a civil action.

The effect of Initiative 335, if approved into Law:

This initiative would expand the number of criminal offenses which would also be subject to abatement and injunction. The initiative defines as moral nuisances such activities as obscenity, acts of lewdness, assignation, prostitution, illegal gambling in public places, drunkenness, fighting and breaches of the peace in public or private places. Such offenses would also become subject to actions for abatement and injunction as moral nuisances in actions brought by either the Attorney General, Prosecuting Attorney, city attorney, city prosecutor, or any citizen of the county in which the activity takes place. The initiative provides for forfeiture of all real and personal property, including money, which is involved in a moral nuisance. In the case of an action to abate or enjoin a moral nuisance brought by a citizen of the county, that individual may recover his or her reasonable attorney's fees and costs.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Initiative Measure 335 begins on Page 24.

Statement against

WHAT IT DOES

This initiative would let any individual who can post a bond close his neighborhood grocery or newstand, subject to a hearing afterward! The 1st Amendment is supposed to protect individuals' liberty from being taken away by the majority. This initiative reverses that, and lets an individual or small group take away the rights of the majority!

It does this by saying that any business can be closed if "a principal part of its business" (more than 5%?) is "lewd publications". It then defines lewd so broadly any picture of a nude person could be included, then goes on to say that "lewdness" includes all of its common law meanings. Those meanings have included anything "grossly vulgar, unbecoming, unseemly, unfit to be seen or heard, or that which violates the proprieties of language or behavior". In other words, just about anything somebody might object to.

Under that extremely broad and unconstitutional definition a person or business could be subjected to severe penalties and confiscation of property, by a very unfair process which assures no hearing until after the confiscation takes place.

SOME OF THE WORST RESULTS

Historically, prohibition creates black markets and enhances the influence and profits of organized crime. It creates demand for an illegal product, and the people with guns and a willingness to flout the law muscle in and take over the distribution.

WHAT SHOULD WE DO?

If you don't like pornography, boycott it. Let it die of boredom, as it is doing already.

Rebuttal of Statement for

It is difficult to rebut a proponent's statement which fails to discuss the terms of the initiative. The proponents say that "335 is designed to stamp out *only* outright filth and perversion." Arguably that is an excellent intention, but that is not what the initiative *does*. It could close a grocery store! It is not limited to publications which depict sexual acts, as required by the Supreme Court. Proponent's assertions are simply untrue.

Voters' Pamphlet Statement Prepared by:

PETE FRANCIS, State Senator; SCOTT BLAIR, State Representative.

Advisory Committee: TOM MILLER, League Insuring Freedom of Expression; FLORENCE McMULLIN, Washington Library Association; RICHARD R. SLOMON, People Against Censorship; MARY GALLWEY, American Civil Liberties Union of Washington; KAREN MARCHIORO, King County Democratic Central Committee.



Initiative Measure 345

TO THE PEOPLE

Official Ballot Title:

Shall most food products be exempt from state and local retail sales and use taxes, effective July 1, 1978?

The Law as it now exists:

The State of Washington levies a sales tax on the retail sale of tangible personal property. The state rate for the sales tax is four and six-tenths percent. Local governments have an option to impose an additional sales tax of up to eight-tenths of one percent. The sale of certain tangible personal property is exempt from all sales taxes. Food products are not among those exemptions.

Statement for

REPEAL THE SALES TAX ON FOOD

The sales tax on food is an unfair, regressive tax. The food tax is hardest on senior citizens on fixed incomes, families on low incomes and large working families. These are the families hardest hit by inflation, the people most in need of tax relief.

THE FOOD TAX IS UNFAIR

Groceries are one of the largest monthly expenses, especially for individuals and families on tight budgets. Most moderate and low income families spend up to 40% of their income for food, leaving little for housing, transportation and other necessities.

Repeal of the sales tax on food could buy 17 to 19 days of food for these families, per year.

WASHINGTON'S TAX SYSTEM IS UNFAIR

National tax experts say Washington has the dubious distinction of having the country's most unfair tax system. Repeal of the food tax will begin to make our taxes *fairer for all* residents of the state.

THE LEGISLATURE HAS FAILED TO ACT

For the last three decades, the state's labor unions, churches, political organizations and the press have called for an end to the food tax. Governors Rosellini, Evans, Ray and most legislators have stated their opposition to the food tax. Yet the food tax not only remains, but also increases.

Since the food tax was first enacted, the Legislature has increased the tax seven times.

VOTE YES ON 345

The issue is simple: when you have an unfair tax, get rid of it. Vote yes on 345.

Rebuttal of Statement against

It is irresponsible to maintain the unfair tax on food. The time to repeal the sales tax on food is now.

Opponents of Initiative 345 cry that government services will be drastically cut, and that new taxes will be required. In fact, state government has a surplus currently estimated at 120 million dollars.

We can afford to eliminate this tax. Let's not accept any more weak excuses for an unfair tax. Let's vote for repeal.

Voters' Pamphlet Statement Prepared by:

J. LINSEY HINAND, Coalition Opposing the Sales Tax on Food; AL WILLIAMS, State Representative; ELLEN WATERS, King County Elder Citizens Coalition.

Advisory Committee: BEA TODHUNTER, Washington Association of Community Action Agencies; GARY GRANT, State Senator; Most Reverend BERNARD J. TOPEL; Catholic Bishop of Seattle, RICARDO R. GARCIA, Northwest Rural Opportunities; SAM SMITH, Seattle City Councilman.

The effect of Initiative 345, if approved into Law:

The initiative would create a new exemption for "food products" from sales tax. The exemption would not apply, however, to food products prepared and served to patrons of restaurants, drive-ins and similar businesses. It is estimated that under this initiative total state and local sales tax revenues would be reduced by \$189.6 million in the fiscal year July 1, 1978 to June 30, 1979.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Initiative Measure 345 begins on Page 27.

Statement against

INITIATIVE 345 FAILS TO FACE THE CONSEQUENCES

Eliminating a tax without providing for replacement of the lost revenue is not a responsible choice. Most people agree that exempting food purchases from the sales tax would be a desirable improvement to Washington's tax system . . . but the individuals this measure is supposed to help may suffer more under the resulting alternatives.

ALTERNATIVE—REDUCED STATE SPENDING

Schools, institutions and public assistance account for 80% of State spending . . . the greatest reductions, by necessity, will come in these areas. Since fixed obligations, such as bond redemption, pension funding and the court system, cannot be reduced:

- Cuts of almost 25% could be required in all other State services;
- State funding of common schools would be reduced and the dependence upon special property tax levies would be increased.
- Even greater cuts will have to be made in the remaining State programs such as institutions and public assistance if the Supreme Court requires full funding of public schools in a case which is now before the Court for determination.

ALTERNATIVE—INCREASED TAXES

The magnitude of the revenue loss would require tax increases such as the following in order to maintain existing services:

- Increase the State sales tax on all other items by 1 cent;
- Extend the sales tax to services, including legal, medical and dental, plus a 10% increase in business taxes;
- Enact personal and corporate income taxes.

THE BETTER CHOICE

Vote NO on Initiative 345. Seek and support a balanced, reasonable and responsible program of State taxation and spending.

Rebuttal of Statement for

WHO BENEFITS? WHO GETS HURT? Although both high and low income families pay sales taxes on food, Initiative 345 gives greater tax relief to higher income groups. They will pay even less of their share of state services and would be less affected by possible budget cuts.

All recent legislatures have stated opposition to food taxes; responsible alternatives were presented to the public in 1970 and 1973 which would not have hurt low income families.

Voters' Pamphlet Statement Prepared by:

HUBERT F. DONOHUE, State Senator; HELEN SOMMERS, State Representative.



Initiative Measure 348

TO THE PEOPLE

Official Ballot Title:

Shall the new variable motor vehicle fuel tax law be repealed and the previous tax and distribution formula be reinstated?

The Law as it now exists:

The present law imposes an 11 cents per gallon tax on gasoline and other motor vehicle fuels. The tax revenues are used exclusively for highway purposes, including state highways and ferries, county roads and city streets. After January 1, 1978, the tax will fluctuate between 9 cents per gallon and 12 cents per gallon with changes occurring not more often than once every six months. The exact

Statement for

REGRESSIVE

The variable gas tax will seek its highest level as inflation increases. It will go down if and when the price of motor vehicle fuels decreases; it is anticipated it will increase to 12¢ per gallon on January 1, 1978. That 3¢ per gallon will represent a 33 1/3% increase for one year.

WRONG TIME—WRONG KIND—WRONG PRODUCT

The Federal Government is planning an energy policy which will affect the pricing and tax structure on petroleum products, substantially increasing the price of motor vehicle fuels. Applying a variable tax to increasing prices fuels inflation. The Federal Energy Program's objective is to encourage the conservation of petroleum products. The variable gas tax permits a higher tax as consumption decreases, thereby discouraging the incentive to conserve.

UNNECESSARY

The 18th Amendment of the State Constitution was intended to put motor vehicle fuel taxes and license fees into a special fund to be used exclusively for highway purposes. This has become distorted into "highway related" purposes; now the funds for highway maintenance and construction are seriously limited. Construction is one of the most basic of highway purposes. The State of Oregon has a gas tax of 7¢ per gallon. The Interstate highway is virtually complete in Oregon and we are still building. The true purpose of this tax is not for highways, it is to be used to replace "highway purpose" funds diverted to other uses.

CHRONOLOGY OF MOTOR VEHICLE FUEL TAX

1935 — 5.0¢	1977 — 11.0¢
1949 — 6.5¢	1978 — 12.0¢
1961 — 7.5¢	1979 — ?
1967 — 9.0¢	

Get your 2¢ worth, vote yes on Initiative 348.

Rebuttal of Statement against

Highway bureaucrats can't justify the doubling of revenues in the period between 1966 and 1976. A "yes" vote for Initiative 348 permits collection of adequate funds for highway construction and maintenance. At the same time, 348 requires the highway administrators to more effectively use the taxpayers' money.

You have no guarantee which projects will be funded with your energy tax dollars. Let the Highway Department and the Legislators live within the present budget! Vote yes!

Voters' Pamphlet Statement Prepared by:

HARLEY H. HOPPE, Responsible and Organized Approach to State Taxes (R.O.A.S.T.); MARGARET HURLEY, State Representative.

Advisory Committee: ROBERT BEEZER, Attorney; JENNINGS FELIX, Attorney; ORVILLE ARMSTRONG, Overtaxed, Inc.; BETTY SMITH; DUKE HOUGHTON

amount of the tax will be calculated as a percentage of the average retail price of fuel subject to a ceiling based upon legislative appropriations for highway purposes. Because of this ceiling, higher consumption of fuel may cause a reduction in the tax per gallon. In no case, however, can the tax be less than 9 cents per gallon nor more than 12 cents.

In the year ending June 30, 1977, each cent of tax on motor vehicle fuels produced approximately twenty million dollars in revenues.

The present law authorizes the sale of a sixty million dollar bond issue to pay the cost of new county and city arterial construction and earmarks a portion of the increased revenues from the tax to repay these bonds. Forty-five million dollars from the sale of these bonds will be used for high priority county and city arterial construction in urban areas. Fifteen million dollars of the bond issue will be used for arterial street construction in smaller cities and towns outside of urban areas.

The effect of Initiative 348, if approved into Law:

The tax would revert to the rate of 9 cents per gallon established in 1967. The bond program for construction of county and city arterial roads and streets would be repealed.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Initiative Measure 348 begins on Page 30.

Statement against

We urge you to say 'NO' to 348. A vote for 348 is a vote for more traffic fatalities, congestion, and rough roads, along with poorer public transportation and a weaker economy.

FIRST INCREASE IN TEN YEARS

Despite spiraling inflation, there's been no gas tax increase since 1967. Legislators enacted the Variable Tax because revenues from the old 9¢-a-gallon rate clearly were inadequate to support the wide range of transportation services the tax must fund.

Unlike most states, your gas-tax dollars also help fund city and county roads and bridges, the State Patrol, the ferry system, transit facilities and park roads — *in addition to* state highway construction and maintenance.

IS IT WORTH A TANK OF GAS?

The added 2¢ tax, which motorists have paid since July, costs the average motorist about \$13 a year. Is it worth the cost of a tank of gas to:

- Help make overdue repairs on city, county and state roadways and bridges?
- Start more than 200 new street and highway projects to make travel safer for pedestrians and drivers alike?
- Complete missing links in an Interstate highway system that will total only about 1% of the state's roadways, carry 25% of the traffic, and be four times as safe as other roads?
- Prevent cutbacks in state ferry service and help build 18 transit park-and-ride lots?
- Generate thousands of jobs from these transportation projects?

KEEP WASHINGTON MOVING!

Whether you're a farmer going to market, a trucker moving goods, a vacationing family, or a commuter by car, bus or ferry, your safety and economic well-being depend on a good transportation system.

Rebuttal of Statement for

Highway purposes aren't "distorted"; they're Constitutionally established in response to public concerns. The Variable Tax is to meet these legitimate purposes — not punish or reward motorists!

Oregon intends to raise its vehicle registration fees to double Washington's, and increase its gas tax 2¢ next year. The Variable Tax won't increase 1¢ in January 1978, and can't exceed the 12¢ statutory "ceiling".

This is the *right time* and *right way* to prevent setbacks in transportation services.

Voters' Pamphlet Statement Prepared by:

PAUL H. CONNER, State Representative; AL HENRY, State Senator; JIM MATSON, State Senator.

Advisory Committee: ROBERT C. ANDERSON, Mayor, City of Everett; CONNIE CODY, Citizens' Advisory Committee on Highway Safety; JACK SILVERS, Washington State Grange; ROBERT L. DILGER, Washington State Building and Construction Trades Council; JERRY C. KOPET, Spokane County Commissioner.



Referendum Measure 39

CHAPTER 361, LAWS OF 1977, 1st EX. SESS.

Vote cast by the members of the 1977 Legislature on final passage:
HOUSE [98 members]: Yeas, 54; Nays, 34; Absent or not voting, 10.
SENATE [49 members]: Yeas, 25; Nays, 16; Absent or not voting, 8.

Statement for

QUALIFIED CITIZENS SHOULD NOT BE DENIED THEIR RIGHT TO VOTE

The primary goal of this proposal is to eliminate unnecessary obstacles to voting. Present voter registration procedures make voting unreasonably difficult for many citizens, particularly working people, the sick, the aged and the poor — people who do not have easy access to places of registration. According to information received from the Secretary of State's office, more than 400,000 Washington citizens are eligible but are not registered to vote.

REGISTERING TO VOTE NEED NOT BE MORE DIFFICULT THAN REGISTERING A NEW CAR

Passage of Referendum 39 will provide Washington citizens with a simple, efficient and inexpensive method of registering to vote. They will be able to register by mail in much the same way as almost half of the nation's voters in other states. Those who register during the month before an election will be able to vote in that election by absentee ballot. The accuracy and validity of registration applications will be checked and certified exactly as they are now.

THIS SAME SYSTEM IS NOW WORKING IN SEVENTEEN OTHER STATES

Based on a recent Ford Foundation study of mail registration systems used in Maryland and Minnesota, we can expect the following as direct results of passing Referendum 39:

- Registration costs will be cut by more than one-half.
- Frivolous and fraudulent registrations will be virtually nonexistent.
- The accuracy of registration records will be improved.
- The number of registered and participating voters will be increased.

VOTE YES ON REFERENDUM 39

Your "Yes" vote on Referendum 39 will affirm the principle that voting is a fundamental right of American citizens.

Official Ballot Title:

Shall certain changes be made in voter registration laws, including registration by mail and absentee voting on one day's registration?

The Law as it now exists:

Any citizen wishing to register to vote must appear before a registration officer and swear on oath that the information provided on the registration form is correct, that the citizen has not been denied his or her civil rights as a result of being convicted of an infamous crime and that the citizen will be at least 18 years of age

Rebuttal of Statement against

FRAUDULENT VOTER REGISTRATION IS A FELONY

Registering more than once to vote in an election is obviously not worth risking five years in prison and a \$5,000 fine.

VOTER FRAUD ATTEMPTS WILL BE QUICKLY DETECTED

Safeguards against error, fraud and duplication are stronger than those in present law. For example, a nonforwardable registration card will be mailed to each newly registered voter. If the card cannot be delivered because the name or address is incorrect or nonexistent, its automatic return to the county auditor will indicate possible fraud.

Voters' Pamphlet Statement Prepared by:

JOHN R. HAWKINS, State Representative; GARY GRANT, State Senator; MARILYN KNIGHT, President, League of Women Voters of Washington.

Advisory Committee: JOE DAVIS, Washington State Labor Council, AFL-CIO; CHARLES SAUVAGE, Common Cause/Washington State; RON DOTZAUER, Clark County Auditor; RICHARD GRECO, Pierce County Auditor; WILLIAM VOGLER, Grays Harbor County Auditor.

at the time of the next election. A citizen registering to vote may have to establish his or her identity by producing either a social security card, driver's license, Washington state identification card, credit card containing the signature and/or photograph of the applicant, or identification issued by the United States, any state, or any other agency which contains the signature and/or photograph of the applicant. If the registration officer has any doubt as to whether the citizen is at least 18 years of age, or will be at the time of voting, the officer may require the applicant to produce a record which establishes the date of birth. No person may vote in any election unless he or she has been registered for at least 30 days before that election.

The effect of Referendum 39, if approved into Law:

The 1977 legislature added a new method for registering to vote. That new method has been referred to the voters as Referendum No. 39. If the referendum is approved, citizens wishing to register to vote may do so by requesting a voter registration form from the appropriate county auditor and mailing it in, as an alternative to

appearing in person before certain designated registration officers. The voter registration form will require the citizen to give his or her full name, the address of the last former registration of the citizen in the state, the sex, date of birth, place of residence for voting purposes and the daytime telephone number, if any, of the applicant. In order to vote at the regular precinct polling place, the form must be received by the county auditor at least 30 days prior to the primary or other election. If the period between registering to vote and the primary or other election is less than 30 days, the referendum will allow the citizen to vote but only by absentee ballot.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Referendum Measure 39 begins on Page 34.

Statement against

Referendum 39 will promote an enormous potential for error, fraud, and duplication. Just to cite one example, a voter could easily register 50 times under 50 different names, request 50 absentee ballots, and in the privacy and convenience of his own home fraudulently cast those 50 votes. Keep elections honest. Vote "no" on Referendum 39.

Rebuttal of Statement for

Postcard voter registration will *increase* costs to taxpayers according to many county auditors.

Proponents did not cite even one specific state where postcard registration has improved voter turnout.

County auditors presently utilize numerous deputy registrars, which makes in-person registration easy for all citizens.

Bills have been introduced in some states to *repeal* postcard registration laws, because of charges of fraud and duplicate registrations.

Frivolous registrations will demean and undermine the dignity of our election process.

Voters' Pamphlet Statement Prepared by:

KENT PULLEN, State Senator; S. E. "SID" FLANAGAN, State Representative; R. H. "BOB" LEWIS, State Senator.

Advisory Committee: EARL MILLER, Chelan County Auditor; WILLIAM F. WERTZ, JR., U.S. Labor Party; VERNON W. OHLAND, Spokane County Auditor; ERIC RORHBACH, State Senator; KENNETH O. EIKENBERRY, Republican State Central Committee.



Referendum Measure 40

CHAPTER 288, LAWS OF 1977, 1st EX. SESS.

Vote cast by the members of the 1977 Legislature on final passage:
HOUSE [98 members]: Yeas, 70; Nays, 16; Absent or not voting, 12.
SENATE [49 members]: Yeas, 32; Nays, 6; Absent or not voting, 11.

Statement for

The legislature this year enacted legislation creating the Women's Commission, affirming that the state takes the concerns of women in Washington seriously. The Commission was created as a governor's council in 1971 to remove discriminatory language from state laws and encourage leadership by state government in discarding discriminatory practices in employment opportunity, advancement and compensation for women.

FREEDOM TO CHOOSE

The Commission is dedicated to the concept of freedom of choice, recognizing the essential role of the homemaker in our society as well as women who choose to work outside the home. The legislature intends that the 14 members appointed by the governor reflect responsible, mature attitudes in a balanced ethnic, geographic, sex, age and occupational representation. Homemakers are well represented among current members as well as business, education, labor, agriculture, and law. The Commission has won equity for women in business, credit, and real estate transactions.

REPRESENTS ALL WOMEN

Women represent the majority of our population, have the highest rate of unemployment, and more than ever, head poverty level family households with no advocate at the state level other than the Women's Commission. It is not this law's intent that moral or religious issues belong on the Commission's agenda, but to ensure that women's professional and family maintenance needs are considered when state government policies and programs are determined.

VOTE YES ON REFERENDUM 40

Vote YES on Referendum 40 and extend to all women in the state a higher level of dignity and recognition of their contribution in the home, family, community, business and professions.

Official Ballot Title:

Shall a state Women's Commission be established by statute?

The Law as it now exists:

No state agency established by law to deal exclusively with the interests of women is in existence at the present time. A Washington State Women's Council, created by an executive order of the Governor, however, does exist. The Council consists of 18 members. Its purpose is to advise the Governor and to work with other state

Rebuttal of Statement against

Opponents of the Women's Commission wish to raise emotions on controversial issues rather than face the facts. They attempt to paint anyone in favor of equal opportunities for women as a radical, homosexual, or promiscuous person. This simply is not true.

Women need the Commission to help all women in areas such as: equal pay for equal work, equal credit opportunities, equal retirement benefits, equal protection under all laws, and homemakers' rights.

Vote yes - Referendum 40.

Voters' Pamphlet Statement Prepared by:

PHYLLIS K. ERICKSON, State Representative; A.J. "BUD" PARDINI, State Representative; MARIANNE CRAFT NORTON.

Advisory Committee: JUDY HENSLE, Homemaker and Palouse wheat rancher; LOREN ARNETT, Washington Association of Churches; GEORGE FLEMING, State Senator; JUDITH CLARK TURPIN, Washington State Division, American Association of University Women; JOE DAVIS, Washington State Labor Council, AFL-CIO.

agencies toward fostering and improving the interests and well being of women generally.

The effect of Referendum 40, if approved into Law:

The 1977 legislature created the Washington State Women's Commission as a statutory replacement to the Washington State Women's Council. That Commission is the subject of Referendum No. 40 and will not come into existence unless the referendum is approved by the voters. The stated legislative purpose of the Commission is to improve the status and well being of women by insuring their full and equal participation in government, business and education and by recognizing their contributions to the home, family and community. The Commission would consist of 14 members appointed by the Governor with the advice and consent of the Senate. It would be authorized to advise state agencies on their development and implementation of comprehensive and coordinated policies focusing on the special problems and needs of women. The Women's Commission, if approved, will cease to exist on June 30, 1983, unless extended by law.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Referendum Measure 40 begins on Page 36.

Statement against

THE WASHINGTON STATE WOMEN'S COMMISSION IS UNNECESSARY

Women have the power to deal directly with elected officials and agencies and do not want a new bureaucracy claiming to represent them.

The Human Rights Commission resolves sex discrimination cases; the Commission could only refer.

THE WASHINGTON STATE WOMEN'S COMMISSION IS AN UNWISE USE OF TAX DOLLARS

Taxes are high. Our state faces a financial crisis. A costly new Commission is unwise.

The Commission will receive \$200,000 of your taxes to operate but can additionally accept private gifts and grants to serve their purposes—according to terms of the giver! (Radical feminist organizations will have a way to give lobbying dollars to promote their objectives in state agencies, businesses, schools and "education" of the public, without full public disclosure.)

THE WASHINGTON STATE WOMEN'S COMMISSION REPRESENTS SPECIAL INTERESTS

The Council has consistently represented a narrow feminist point of view—taking stands for policies to allow:

- 1) avowed homosexuals to teach and adopt children;
- 2) contraceptives or abortions for minors without parental consent;
- 3) reducing legal age of sexual consent to 16;
- 4) passage of the federal Equal Rights Amendment;
- 5) abortions

The Council has shown opposition to veterans preference laws. They also advocated elimination of sex-role identification, downplaying the roles of women as homemakers and mothers.

The Council pushed for the implementation of laws which resulted in: loss of protective labor laws for women; making wives equally liable for financial support of husbands; making women subject equally to state militia; enforcing co-ed athletic programs.

SHOULD "FEMINISTS" (WOMEN'S LIB) HAVE THEIR OWN TAX-FUNDED COMMISSION? NO!!

Cast your vote to safeguard the moral, social and economic integrity of the family. Refuse to support this special interest group. VOTE NO ON REFERENDUM 40!

Rebuttal of Statement for

Don't be fooled by flowery words! The Council has worked to eliminate discrimination — but that also includes disapproval of discrimination regarding sex orientation (homosexuality). Their "freedom to choose" also approves the freedom to obtain abortions on demand (with your tax dollars) and contraceptive availability to minors.

These examples are researched and documented. The record speaks for itself! Does this Council represent you? Shouldn't our 147 *elected* legislators be our advocate? VOTE NO — REFERENDUM 40.

Voters' Pamphlet Statement Prepared by:

SUSAN ROYLANCE, Women for Integrity in the Nation (W.I.N.);
CLAUDE OLIVER, State Representative; KATHLEEN SKRINAR, M.D.



Initiative Measure 59

TO THE LEGISLATURE

Official Ballot Title:

Shall new appropriations of public water for non-public agricultural irrigation be limited to farms of 2,000 acres or less?

The Law as it now exists:

Under existing law, the exclusive process available for the establishment of new water rights for commercial agricultural irrigation purposes is the permit system of the water codes of 1917 and 1945. These codes provide that the Department of Ecology shall issue a permit if, after investigation, it finds that there is water

Statement for

WHY INITIATIVE 59?

Initiative Measure 59 addresses the question of future development of irrigated farmland in Washington State. Washington has almost 1½ million acres of irrigated land. Prior to 1966 almost all irrigation development occurred in public reclamation projects which provided water to family-size farms. In recent years, large corporations have been withdrawing public water to irrigate thousands of acres of land. Three to 4 million acres are still available for irrigation development in Washington State. Initiative 59 asks: Will these acres be developed in family-size farms for the public good, or in large corporate farms? Ordinary family farm corporations are not affected.

A VOTE FOR INITIATIVE 59 WILL BE A VOTE FOR THE FAMILY FARM

Family farms are the basis of a stable, low cost food supply. Family farms support local communities. Family farm earnings stay in the area, supporting local businesses and creating permanent jobs for area residents. Family farms are the foundation of rural society. Family farms ensure the preservation of churches, schools, civic organizations and traditional rural values.

THE ALTERNATIVE IS LARGE CORPORATE FARMS

Most large corporate farms are governed by boards of directors in distant cities and worked by transient and commuter laborers who have no ties to local communities. Large corporations involved in both the growing and processing of agricultural products can acquire the ability to manipulate and influence prices for food products.

INITIATIVE 59 WILL ENSURE THAT PUBLIC WATER IS USED IN THE PUBLIC'S INTEREST

Initiative 59 will guarantee that the use of public water will benefit the maximum number of people. Initiative 59 will ensure that water available for irrigation will go to family farms.

Rebuttal of Statement against

DON'T BE MISLED! Initiative 59 will NOT: restrict development, cost thousands of jobs, or raise food prices. Initiative 59 grants individuals and corporations the *same* water rights.

FACTS: A study by the Senate Select Committee (Arvin-Dinuba) shows that Family Farms create more jobs and businesses than corporate farms. Family Farms provide the base for a stable, low-cost food supply. The independent family farmer has historically produced an abundant food supply.

WE DON'T NEED LARGE CORPORATE FARMS TO HAVE A STRONG AGRICULTURAL ECONOMY!

Voters' Pamphlet Statement Prepared by:

RAY HILL, Grange Committee to Support the Family Farm Water Act; GEORGETTE VALLE, State Representative; NAT WASHINGTON, State Senator.

Advisory Committee: JACK SILVERS, Washington State Grange; JOE DAVIS, Washington State Labor Council, AFL-CIO; NANCY THOMAS, Washington Environmental Council; WENDELL PRATER, Washington State National Farmer Organization; DAMON R. CANFIELD, Former State Senator.

available for use, and the use as proposed in the application will not impair existing rights or be detrimental to the public welfare. Additional general policy directions for processing water right permit applications were given to the Department of Ecology in the Water Resources Act of 1971 and the State Environmental Policy Act of 1971.

Initiative Measure No. 59 was submitted to the Legislature for consideration at its 1977 session. Because the Legislature did not enact the initiative, the State Constitution requires the initiative measure to be submitted to the voters at the 1977 general election for their approval or disapproval.

The effect of Initiative 59, if approved into Law:

Initiative Measure No. 59 contains additional directions to be followed by the Department of Ecology in the issuance of permits authorizing new withdrawals of public waters for irrigation of agricultural lands. If the initiative is approved, the Department of Ecology is directed to issue permits authorizing the use of public waters for agricultural irrigation purposes only in four classifications,

two of which are:

1. "Family farm" permits. Permits of this class shall contain no conditions limiting the period of effectiveness, such as a fifty year term. However, with limited exceptions, these permits shall restrict the holder to the use of public waters to lands constituting not more than one "family farm":

"... a geographic area including not more than two thousand acres of irrigated agricultural lands, whether contiguous or non-contiguous, the controlling interest in which is held by a person having a controlling interest in no more than two thousand acres of irrigated agricultural lands in the state of Washington which are irrigated under rights acquired after the effective date of this act."

2. "Family farm development" permits. These permits may be issued without limitation on the number of acres of land involved. The authorization to use waters is conditioned upon the holder developing the lands into "family farms" and transferring the controlling interest in these farms to persons qualified to hold "family

(continued on page 39)

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Initiative Measure 59 begins on Page 37.

Statement against

LET'S KEEP GROWING WITH OUR INCREASING DEMAND FOR JOBS

Washington needs all the jobs farming can give it. Initiative 59 will cost us thousands of potential jobs by restricting the irrigation development upon which Washington's agricultural industry depends for survival. In one area alone, such irrigation development offers the potential of some 17,000 new jobs, 1,700 new businesses, 108 million dollars in new annual payrolls and a 70-fold increase in the community tax base.

... WITH A STRONG FARMING COMMUNITY IN A FREE ENTERPRISE SYSTEM

Strong, progressive agriculture depends on a free market economy. Initiative 59 attempts to dictate the size of farming operations by granting unlimited water rights to some farmers and denying all water to others. Farms are operated like any other business—government should not be allowed to mandate how large or small a business should be.

... WITH OUR INCREASING NEED FOR FOOD PRODUCTION

The American farmer's ability to provide a plentiful supply of food is unmatched anywhere in the world. Initiative 59 threatens this capability by arbitrarily restricting the water Washington's farmers need to keep on producing.

... WITH OUR NEED FOR ECONOMIC STABILITY BASED ON AGRICULTURE

Agriculture is our state's most important economic factor. Initiative 59 threatens all business and industry which depends on a free, healthy farming industry.

... WITH OUR NEED TO KEEP THE PRICE OF FOOD DOWN

Initiative 59 imposes unfair, unnecessary and burdensome restrictions. It benefits no one and, in the end, the consumer will pay for increased production costs.

Initiative 59 restricts agricultural development by arbitrarily limiting water rights for irrigation to farms of 2,000 acres or less. It is an unjustified proposal which the people of the state of Washington simply cannot afford.

DON'T STOP OUR AGRICULTURAL INDUSTRY—VOTE NO ON INITIATIVE 59!

Rebuttal of Statement for

INITIATIVE 59 DOES NOTHING FOR FAMILY FARMS!

Talking about "family farms" is just a clever attempt to get at public emotions while clouding the real issue: Initiative 59 does nothing more than limit the size of *all* irrigated farms whether they are owned by individuals, families or corporations.

Initiative 59 does nothing for our water resources. It simply dictates that some farmers are to have *unlimited* water while others shall have none at all. This is not only grossly unfair, but it is aimed at artificially restricting the size of certain businesses in this state. Aren't farmers, after all, in the *business* of producing food?

VOTE AGAINST ARBITRARY ECONOMIC RESTRICTIONS — VOTE "NO" INITIATIVE 59.

Voter's Pamphlet Statement Prepared by:

MAX E. BENITZ, State Senator; FRANK "TUB" HANSEN, State Representative; HUBERT F. DONOHUE, State Senator.

Advisory Committee: CHARLES D. KILBURY, State Representative; WILLIAM POLK, State Representative; JIM MATSON, State Senator.



Senate Joint Resolution 113

PROPOSED CONSTITUTIONAL AMENDMENT

Vote cast by the members of the 1977 Legislature on final passage:
HOUSE [98 members]: Yeas, 84; Nays, 0; Absent or not voting, 14.
SENATE [49 members]: Yeas, 36; Nays, 2; Absent or not voting, 11.

Official Ballot Title:

Shall the legislature be authorized to grant district courts jurisdiction over cases involving more than \$1,000?

The Law as it now exists:

At the present time the constitution grants the legislature the authority to grant district courts jurisdiction over cases involving property worth \$1,000 or less. Superior courts have original jurisdiction to all cases in which the amount in controversy amounts to over \$1,000.

Statement for

WHAT IT DOES

SJR 113 will authorize the legislature to grant to district courts (called justice of the peace in our State Constitution) the authority to hear lawsuits involving up to \$3,000. Right now the constitution limits them to matters in controversy up to \$1,000.

WHY IT WILL HELP

The superior courts are extremely crowded, and it is expensive to handle a relatively small civil suit there. The district courts are qualified to hear these cases, and can decide them more quickly and efficiently. The result will be to reduce the superior court caseload a little, and thereby relieve some of the pressure on those courts. An even more noticeable benefit to the public will be earlier and shorter trials and speedier decisions in those smaller cases — and at less expense to the taxpayers!

Voters' Pamphlet Statement Prepared by:

PETE FRANCIS, State Senator; FRANK L. SULLIVAN, Judge, Seattle District Court.

The effect of SJR 113, if approved into Law:

This amendment would remove present constitutional limitations. It would allow the legislature to establish any dollar limit it felt appropriate on the jurisdiction of justice courts, and to grant superior courts jurisdiction over cases above that amount.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Senate Joint Resolution 113 begins on Page 38.

State law requires that the argument and rebuttal statement against a constitutional amendment be written by one or more members of the State Legislature who voted against that proposed amendment on final passage or, in the event that no such member of the Legislature consents to prepare the statement, by any other responsible individual or individuals to be appointed by the Speaker of the House of Representatives, the President of the State Senate, and the Secretary of State. No Legislator who voted against Senate Joint Resolution 113 or other individual opposing the measure consented to write an argument against the measure for publication in this pamphlet.



House Joint Resolution 55

PROPOSED CONSTITUTIONAL AMENDMENT

Vote cast by the members of the 1977 Legislature on final passage:
HOUSE [98 members]: Yeas, 84; Nays, 3; Absent or not voting, 11.
SENATE [49 members]: Yeas, 40; Nays, 3; Absent or not voting, 6.

Statement for

The Constitution requires the Legislature to establish "reasonable maximum" transportation rates. The Utilities and Transportation Commission (WUTC) has been designated by law to perform the rate setting function. Regulated carriers are required to follow the rates set by WUTC.

In some cases the use of a maximum rate has worked to the detriment of the consumer. If there is sufficient competition for a particular type of shipping, then a maximum limit is not needed; but only a minimum limit to prevent predatory pricing that would drive some carriers out and reduce competition. In some instances it may be that even the minimum rate is not needed.

If the Constitutional requirement is removed, then the Legislature and the Commission could determine where it is best to use rates other than maximum rates and, in some instances, no rate would need to be established.

At the time this provision was placed in the Constitution, there was no statutory protection against discriminatory abuses by the only available carriers—the railroads. Since then, a complex regulatory system has evolved including statutes, rules, and court decisions. In addition, there are several different types of transportation available. Therefore, the Constitution should be amended to remove specific requirements directed at particular problems, while retaining the overall regulatory authority so that the Legislature, the Commission, and the courts have the ability to deal with changing conditions to best serve the public.

No testimony was offered in opposition to the proposed Constitutional change.

Official Ballot Title:

Shall the legislature be authorized, but not required, to establish reasonable transportation rates for both passengers and freight?

The Law as it now exists:

The constitution now requires the legislature to pass laws establishing reasonable *maximum* rates for the transportation of passengers and freight by common carriers.

Rebuttal of Statement against

The objectives being sought by the opponents of H.J.R. 55 are precisely those that will be achieved by voting for the Constitutional change. Naturally the public wants to encourage efficient transportation service at the lowest cost.

The opponents' closing sentence should be restated — we *should* change the present system to allow the Commission to be responsive to the economic demands of consumers.

Voters' Pamphlet Statement Prepared by:

PAUL H. CONNER, State Representative; AL HENRY, State Senator;
GEORGE SELLAR, State Senator.

The effect of HJR 55, if approved into Law:

This proposed constitutional amendment would remove the requirement that the legislature pass laws establishing reasonable *maximum* rates for the transportation of passengers and freight by common carriers. Instead, it would authorize the legislature to pass laws establishing reasonable rates for the transportation of passengers and freight by common carriers without the necessity of such rates being designated as maximum rates.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of House Joint Resolution 55 begins on Page 38.

Statement against

HJR 55 would eliminate the present constitutional requirement that the Legislature set maximum rates which could be charged for transportation of goods and people within Washington state. It would instead allow (but not require) the legislature to fix the rates at a specified level. Perhaps the difference is somewhat subtle but the concept presently embodied in the constitution was meant to prevent price gouging or profiteering while allowing companies to compete by setting their rates at any level below the maximum. Under HJR 55, bus or freight companies who are more efficient or who are willing to make less profit could not charge lower prices and thus benefit consumers. Although the Legislature often gets pressure from businesses to restrict competition, we must remember that our system of competitive pricing has contributed immeasurably to our high standard of living. We should not chip away at our economic system by constitutionally allowing prices to be set by the legislature, possibly in an atmosphere of high pressure lobbying, rather than by the demands of consumers.

Rebuttal of Statement for

Although it is understandable that some established companies would support limiting the ability of their competitors to offer lower prices, this measure is in direct conflict with consumer interests. Arguments implying the use of rates other than maximum are confusing because governmentally set rates are both maximum as well as minimum. Rate setting by bureaucrats is presently losing favor on a national level as evidenced by the current moves toward deregulation of airline fares.

Voters' Pamphlet Statement Prepared by:
RICHARD O. BARNES, State Representative.



House Joint Resolution 56

PROPOSED CONSTITUTIONAL AMENDMENT

Vote cast by the members of the 1977 Legislature on final passage:
HOUSE [98 members]: Yeas, 88; Nays, 1; Absent or not voting, 9.
SENATE [49 members]: Yeas, 43; Nays, 1; Absent or not voting, 5.

Statement for

The Constitution says that a rate for a shorter distance cannot be greater than a rate for a longer distance, if it involves the same type of goods going in the same direction.

The mileage requirement was used to prevent discrimination in a time when costs were primarily related to distance. Now, however, many other factors are involved, such as labor costs, specialized shipping containers, assembly and distribution centers, different long and short-haul vehicles, etc. For example, a common practice now at major shipping points is the use of a distribution, or "break-bulk" center. Full unit shipments are sent from one center to another, then broken up for delivery to nearby points. This kind of system provides the most economical transportation, but the costs are not directly related to mileage.

If the Constitutional prohibition on short-haul differential is removed, then the rates can be set to reflect *actual cost* rather than relying primarily on mileage only.

At the time this provision was placed in the Constitution, there was no statutory protection against discriminatory abuses by the only available carriers—the railroads. Since then, a complex regulatory system has evolved including statutes, rules, and court decisions. In addition, there are several different types of transportation available. Therefore, the Constitution should be amended to remove specific requirements directed at particular problems, while retaining the overall regulatory authority so that the Legislature, the Commission, and the courts have the ability to deal with changing conditions to best serve the public.

No testimony was offered in opposition to the proposed Constitutional change.

Official Ballot Title:

Shall the constitutional provision that transportation charges to given destinations may never exceed charges to more distant destinations be repealed?

The Law as it now exists:

The constitution now requires that a person or property transported by any common carrier be delivered to its destination at a charge not greater than that charged to more distant destinations in the same direction. That provision, generally known as a long-short haul clause, makes distance the primary consideration in setting charges for transportation.

Rebuttal of Statement against

The economics of truck transportation today is no longer mainly determined by the length of the haul. Now, the service is provided more cheaply and more efficiently by moving full trucks between major shipping areas, then breaking the loads down into smaller truckloads for movement to the suburbs and smaller towns.

Given other controls, there is no danger that rebates or price gouging, against which this Constitutional provision was originally aimed, could be practiced.

Voters' Pamphlet Statement Prepared by:

PAUL H. CONNER, State Representative; AL HENRY, State Senator;
GEORGE SELLAR, State Senator.

The effect of HJR 56, if approved into Law:

The proposed constitutional amendment would remove the existing constitutional restriction. It would thus permit charges for transporting persons or property to be governed by legislation which would allow greater consideration of factors other than mileage alone.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of House Joint Resolution 56 begins on Page 38.

Statement against

The "long-short" haul clause was inserted in the Constitution to avoid rate discrimination against shippers and the general public. The intent of the clause was to insure that rates would be primarily based on the distance from the shipping point, and would not allow charging more for a shorter distance than for a longer distance over the same route.

This clause has provided a protection against assessing different rates to different shippers and shipping points. Repeal of this Constitutional protection would open the door to major problems. Freight rates could be established on any basis and would be subject to the different and changing attitudes of the Legislature and the Utilities and Transportation Commission.

Most importantly, the repeal of the long-short haul clause could detrimentally affect the smaller communities. Their distance from shipping points would be less a factor in setting the rates than the direct cost of transportation to the communities. Metropolitan communities would probably not benefit, but smaller communities could be adversely impacted.

The long-short haul clause is an important protection that has served the public well and it should not be repealed. Rate discrimination should continue to be constitutionally prohibited.

Rebuttal of Statement for

The long-short haul clause protects the communities most distant from shipping centers from rate discrimination. Mileage expenses are still a major cost of transportation.

Repeal of the Constitutional protection would leave matters affecting rates almost totally in the hands of the Legislature and the Utilities and Transportation Commission. Such discretionary rate setting authority could result in increased transportation rates to the rural communities.

Voters' Pamphlet Statement Prepared by:
IRVING NEWHOUSE, State Representative.



House Joint Resolution 57

PROPOSED CONSTITUTIONAL AMENDMENT

Vote cast by the members of the 1977 Legislature on final passage:
HOUSE [98 members]: Yeas, 85; Nays, 1; Absent or not voting, 12.
SENATE [49 members]: Yeas, 42; Nays, 2; Absent or not voting, 5.

Statement for

The Constitution prohibits one carrier from sharing a fee with another carrier who has not done a portion of the transportation. This provision was included to prevent certain types of rebating that were a problem for early-day shippers.

Since then the Legislature and the Commission have developed ways to deal with the abuses of rebating. Statutes and regulations have been, and can be, passed to control problems in this area. The Constitutional prohibition, however, has worked to prevent some arrangements that would be more economical for the shippers and the carriers. For instance, if one carrier has plenty of labor available but no equipment, while another has equipment but no labor, it makes sense to combine their resources to get the load going.

At the time this provision was placed in the Constitution, there was no statutory protection against discriminatory abuses by the only available carriers—the railroads. Since then, a complex regulatory system has evolved including statutes, rules, and court decisions. In addition, there are several different types of transportation available. Therefore, the Constitution should be amended to remove specific requirements directed at particular problems, while retaining the overall regulatory authority so that the Legislature, the Commission, and the courts have the ability to deal with changing conditions to best serve the public.

No testimony was offered in opposition to the proposed Constitutional change.

Official Ballot Title:

Shall the constitutional prohibition against the common carrier doing the carrying sharing earnings with another common carrier be repealed?

The Law as it now exists:

The constitution prohibits any railroad company, or other common carrier, from combining or making any contract with another common carrier, by which combination or contract the earnings of the carrier doing the carrying are to be shared by the carrier which provides no such services.

Voters' Pamphlet Statement Prepared by:

PAUL H. CONNER, State Representative; AL HENRY, State Senator;
GEORGE SELLAR, State Senator.

The effect of HJR 57, if approved into Law:

The proposed constitutional amendment would, by repealing the existing prohibition in the constitution, permit sharing of earnings subject to such controls as the legislature or the Washington Utilities and Transportation Commission might promulgate.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of House Joint Resolution 57 begins on Page 38.

State law requires that the argument and rebuttal statement against a constitutional amendment be written by one or more members of the State Legislature who voted against that proposed amendment on final passage or, in the event that no such member of the Legislature consents to prepare the statement, by any other responsible individual or individuals to be appointed by the Speaker of the House, the President of the State Senate, and the Secretary of State. No Legislator who voted against House Joint Resolution 57 or other individual opposing the measure consented to write an argument against the measure for publication in this pamphlet.



COMPLETE TEXT OF

Initiative Measure 335

AN ACT Relating to moral nuisances; amending section 1, chapter 127, Laws of 1913 and RCW 7.48.050; amending section 2, chapter 127, Laws of 1913 and RCW 7.48.060; amending section 3, chapter 127, Laws of 1913 and RCW 7.48.070; amending section 4, chapter 127, Laws of 1913 and RCW 7.48.080; amending section 5, chapter 127, Laws of 1913 as amended by section 1, chapter 94, Laws of 1927 and RCW 7.48.090; amending section 6, chapter 127, Laws of 1913 as amended by section 2, chapter 94, Laws of 1927 and RCW 7.48.100; and adding new sections to chapter 127, Laws of 1913 and to chapter 7.48 RCW.

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

Section 1. Section 1, chapter 127, Laws of 1913 and RCW 7.48.050 are each amended to read as follows:

~~(Whoever shall erect, establish, maintain, continue, use, own or lease any building or place used for the purpose of lewdness, assignation or prostitution is guilty of a nuisance, and the building or place, or the ground itself, in or upon which lewdness, assignation or prostitution is conducted, permitted or carried on, continued or exists, and the furniture, fixtures, musical instruments, and contents are also declared a nuisance, and shall be enjoined and abated as hereinafter provided.)~~ The definitions set forth in this section shall apply throughout this chapter as they relate to moral nuisances.

(1) "Knowledge" or "knowledge of such nuisance" means having knowledge of the contents and character of the patently offensive sexual conduct which appears in the lewd matter, or knowledge of the acts of lewdness, assignation, or prostitution which occur on the premises.

(2) "Lewd matter" is synonymous with "obscene matter" and means any matter:

(a) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interests; and

(b) Which depicts or describes patently offensive representations or descriptions of:

- (i) Ultimate sexual acts, normal or perverted, actual or simulated; or
- (ii) Masturbation, excretory functions, or lewd exhibition of the genitals or genital area.

Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in the context in which it is used, possesses serious literary, artistic, political, or scientific value.

(3) "Lewdness" shall have and include all those meanings which are assigned to it under the common law.

(4) "Matter" shall mean a motion picture film or a publication or both.

(5) "Moral nuisance" means a nuisance which is injurious to public morals.

(6) "Motion picture film" shall include any:

- (a) Film or plate negative;
- (b) Film or plate positive;
- (c) Film designed to be projected on a screen for exhibition;
- (d) Films, glass slides, or transparencies, either in negative or positive form, designed for exhibition by projection on a screen;
- (e) Video tape or any other medium used to electronically reproduce images on a screen.

(7) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

(8) "Place" includes, but is not limited to, any building, structure, or places, or any separate part or portion thereof, whether permanent or not, or the ground itself.

(9) "Publication" shall include any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording, or a motion picture film which is offered for sale or exhibited in a coin-operated machine.

(10) "Sale" means a passing of title or right of possession from a seller to a buyer for valuable consideration, and shall include, but is not limited to, any lease or rental arrangement or other transaction wherein or whereby any valuable consideration is received for the use of, or transfer of possession of, lewd matter.

NEW SECTION. Sec. 2. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

The following are declared to be moral nuisances:

(1) Any and every place in the state where lewd films are publicly exhibited as a regular course of business, or possessed for the purpose of such exhibition;

(2) Any and every place in the state where a lewd film is publicly and repeatedly exhibited, or possessed for the purpose of such exhibition;

(3) Any and every lewd film which is publicly exhibited, or possessed for such purpose at a place which is a moral nuisance under this section;

(4) Any and every place of business in the state in which lewd publications constitute a principal part of the stock in trade;

(5) Any and every lewd publication possessed at a place which is a moral nuisance under this section;

(6) Every place which, as a regular course of business, is used for the purpose of lewdness, assignation, or prostitution, and every such place in or upon which acts of lewdness, assignation, or prostitution are conducted, permitted, carried on, continued, or exist;

(7) All public houses or places of resort where illegal gambling is carried on or permitted; all houses or places within any city, town, or village, or upon any public road, or highway where drunkenness, illegal gambling, fighting, or breaches of the peace are carried on or permitted; all opium dens, or houses, or places of resort where opium smoking is permitted.

NEW SECTION. Sec. 3. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

The following are also declared to be moral nuisances, as personal property used in conducting and maintaining a moral nuisance:

(1) All moneys paid as admission price to the exhibition of any lewd film found to be a moral nuisance;

(2) All valuable consideration received for the sale of any lewd publication which is found to be a moral nuisance;

(3) The furniture, fixtures, and contents of a place which is a moral nuisance.

From and after service of a copy of the notice of hearing of the application for a preliminary injunction, provided for in section 8 of this 1977 amendatory act, upon the place or its manager, acting manager, or person then in charge, all such persons are deemed to have knowledge of the acts, conditions, or things which make such place a moral nuisance. Where the circumstantial proof warrants a determination that a person had knowledge of the moral nuisance prior to such service of process, the court shall make such finding.

NEW SECTION. Sec. 4. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

In addition to any other remedy provided by law, any act, occupation, structure, or thing which is a moral nuisance may be abated, and the person doing such act or engaged in such occupation, and the owner and agent of the owner of any such structure or thing, may be enjoined as provided in this chapter.

NEW SECTION. Sec. 5. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

The attorney general, prosecuting attorney, city attorney, city prosecutor, or any citizen of the county may maintain an action of an equitable nature in the name of the state of Washington upon the relation of such attorney general, prosecuting attorney, city attorney, city prosecutor, or citizen, to abate a moral nuisance, to perpetually enjoin all persons from maintaining the same, and to enjoin the use of any structure or thing adjudged to be a moral nuisance.

If such action is instituted by a private person, the complainant shall execute a bond to the person against whom complaint is made, with good and sufficient surety to be approved by the court or clerk thereof, in the sum of not less than five hundred dollars, to secure to the party enjoined the damages he may sustain if such action is wrongfully brought, and the court finds there was no reasonable grounds or cause for said action and the case is dismissed for that reason before trial or for want of prosecution. No bond shall be required of the attorney general, prosecuting attorney, city attorney, or city prosecutor, and no action shall be maintained against such public official for his official action when brought in good faith.

Sec. 6. Section 2, chapter 127, Laws of 1913 and RCW 7.48.060 are each amended to read as follows:

~~(Whoever a nuisance exists, as defined in RCW 7.48.050, the prosecuting attorney or any citizen of the county may maintain an action in equity in the name of the state of Washington upon the relation of such prosecuting~~

~~attorney or citizen, to perpetually enjoin said nuisance, the person or persons conducting or maintaining the same, and the owner or the agent of the building or ground upon which said nuisance exists. In such action, the court or judge may upon the presentation of a petition therefor alleging that the nuisance complained of exists, allow a temporary injunction if it shall be made to appear to the satisfaction of the court or judge that such nuisance exists. At least three days' notice in writing shall be given the defendant of the hearing of the application. Any violation of the provisions of injunction herein provided shall be a contempt as hereinafter provided.))~~ The action provided for in section 5 of this 1977 amendatory act shall be brought in any court of competent jurisdiction in the county in which the property is located. Such action shall be commenced by the filing of a verified complaint alleging the facts constituting the nuisance. After the filing of said complaint, application for a temporary injunction may be made to the court in which the action is filed, or to a judge thereof, who shall grant a hearing within ten days after the filing.

NEW SECTION. Sec. 7. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

Where such application for a temporary injunction is made, the court or judge thereof may, on application of the complainant showing good cause, issue an ex parte restraining order, restraining the defendant and all other persons from removing or in any manner interfering with the personal property and contents of the place where such nuisance is alleged to exist, until the decision of the court or judge granting or refusing such temporary injunction and until the further order of the court thereon, except that pending such decision, the stock in trade may not be so restrained, but an inventory and full accounting of all business transactions may be required.

The restraining order may be served by handing to and leaving a copy of such order with any person in charge of such place or residing therein, or by posting a copy thereof in a conspicuous place at or upon one or more of the principal doors or entrances to such place, or by both such delivery and posting. The officer serving such restraining order shall forthwith make and return into court an inventory of the personal property and contents situated in and used in conducting or maintaining such nuisance.

Any violation of such restraining order is a contempt of court, and where such order is posted, mutilation or removal thereof while the same remains in force is a contempt of court if such posted order contains therein a notice to that effect.

NEW SECTION. Sec. 8. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

A copy of the complaint, together with a notice of the time and place of the hearing of the application for a temporary injunction, shall be served upon the defendant at least three days before such hearing. The place may also be served by posting such papers in the same manner as is provided for in section 7 of this 1977 amendatory act in the case of a restraining order. If the hearing is then continued at the instance of any defendant, the temporary writ as prayed shall be granted as a matter of course.

Before or after the commencement of the hearing of an application for a temporary injunction, the court, on application of either of the parties or on its own motion, may order the trial of the action on the merits to be advanced and consolidated with the hearing on the application for the temporary injunction. Any evidence received upon an application for a temporary injunction which would be admissible in the trial on the merits becomes a part of the record of the trial and need not be repeated as to such parties at the trial on the merits.

NEW SECTION. Sec. 9. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

If upon hearing, the allegations of the complaint are sustained to the satisfaction of the court or judge, the court or judge shall issue a temporary injunction without additional bond, restraining the defendant and any other person from continuing the nuisance.

If at the time the temporary injunction is granted, it further appears that the person owning, in control of, or in charge of the nuisance so enjoined had received three days notice of the hearing, then the court shall declare a temporary forfeiture of the use of the real property upon which such public nuisance is located and the personal property located therein, and shall forthwith issue an order closing such place against its use for any purpose until a final decision is rendered on the application for a permanent injunction, unless:

(1) The person owning, in control of, or in charge of such nuisance shows to the satisfaction of the court or judge, by competent and admissible evidence which is subject to cross-examination, that the nuisance complained of has been abated by such person; or

(2) The owner of such property, as a "good faith" lessor, has taken action to void said lease as is authorized by section 17 of this 1977 amendatory act.

Such order shall also continue in effect for such further period as the order authorized in section 7 of this 1977 amendatory act provides. If no order has been issued pursuant to section 7 of this 1977 amendatory act, then an order restraining the removal or interference with the personal property and contents located therein shall be issued. Such restraining order shall be served and the inventory of such property shall be made and filed as provided for in section 7 of this 1977 amendatory act.

Such order shall also require such persons to show cause within thirty days why such closing order should not be made permanent, as provided for in section 15 of this 1977 amendatory act.

NEW SECTION. Sec. 10. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

The owner of any real or personal property to be closed or restrained, or which has been closed or restrained, may appear after the filing of the complaint and before the hearing on the application for a permanent injunction.

The court, if satisfied of the good faith of the owner of the real property and of the innocence on the part of any owner of the personal property of any knowledge of its use as a nuisance, and that with reasonable care and diligence such owner could not have known thereof shall, at the time of the hearing on the application for the temporary injunction and upon payment of all costs incurred and upon the filing of a bond by the owner of the real property with sureties to be approved by the clerk in the full value of the property to be ascertained by the court, conditioned that such owner will immediately abate the nuisance and prevent the same from being established or kept, refrain from issuing any order closing such real property or restraining the removal or interference with such personal property, and, if such temporary injunction has already been issued, shall cancel said order and shall deliver such real or personal property, or both, to the respective owners thereof. The release of any real or personal property under this section shall not release it from any judgment, lien, penalty, or liability to which it may be subjected by law.

Sec. 11. Section 3, chapter 127, Laws of 1913 and RCW 7.48.070 are each amended to read as follows:

~~(In such action evidence of the general reputation of the place shall be admissible for the purpose of proving the existence of said nuisance. If the complaint is filed by a citizen, it shall not be dismissed except upon a sworn statement made by the complainant and his attorney, setting forth the reasons why the action should be dismissed, and the dismissal approved by the prosecuting attorney in writing or in open court. If the court is of the opinion that the action ought not to be dismissed, he may direct the prosecuting attorney to prosecute such action to judgment, and if the action is continued more than once, upon the application of either party, any citizen of the county or the prosecuting attorney may be substituted for the complaining party and prosecute said action to judgment. If the action is brought by a citizen and the court finds there was no reasonable ground or cause for said action, the costs may be taxed to such citizen who originally brought such action.))~~ The action provided for in section 5 of this 1977 amendatory act shall be set down for trial at the first term of the court and shall have precedence over all other cases except crimes, election contests, or injunctions.

NEW SECTION. Sec. 12. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

In such action, an admission or finding of guilty of any person under the criminal laws against lewdness, prostitution, or assignation at any such place is admissible for the purpose of proving the existence of such nuisance, and is prima facie evidence of such nuisance and of knowledge of, and of acquiescence and participation therein, on the part of the person charged with maintaining such nuisance.

NEW SECTION. Sec. 13. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

At all hearings upon the merits, evidence of the general reputation of the building or place constituting the alleged nuisance, of the inmates thereof, and of those resorting thereto, is admissible for the purpose of proving the existence of such nuisance.

NEW SECTION. Sec. 14. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

If the action is brought by a person who is a citizen of the county, and the court finds that there were no reasonable grounds or probable cause for bringing said action, and the case is dismissed before trial for that reason

or for want of prosecution, the costs, including attorney's fees, may be taxed to such person.

If the existence of the nuisance is established upon the trial, a judgment shall be entered which shall perpetually enjoin the defendant and any other person from further maintaining the nuisance at the place complained of, and the defendant from maintaining such nuisance elsewhere. The entire expenses of such abatement, including attorney's fees, shall be recoverable by the plaintiff as a part of his costs of the lawsuit.

If the complaint is filed by a person who is a citizen of the county, it shall not be dismissed except upon a sworn statement by the complainant and his attorney, setting forth the reason why the action should be dismissed and the dismissal approved by the prosecuting attorney in writing or in open court. If the judge is of the opinion that the action should not be dismissed, he may direct the prosecuting attorney to prosecute said action to judgment at the expense of the county, and if the action is continued for more than one term of court, any person who is a citizen of the county or has an office therein, or the attorney general, the prosecuting attorney, city attorney, or city prosecutor, may be substituted for the complainant and prosecute said action to judgment.

NEW SECTION. Sec. 15. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

If the existence of a nuisance is admitted or established in an action as provided for in section 5 of this 1977 amendatory act or in a criminal proceeding, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the place of all personal property and contents used in conducting the nuisance and not already released under authority of the court as provided for in sections 9 and 10 of this 1977 amendatory act, and shall direct the sale of such thereof as belong to the defendants notified or appearing, in the manner provided for the sale of chattels under execution. Lewd matter shall be destroyed and shall not be sold.

Such judgment shall impose a penalty of three hundred dollars for the maintenance of such nuisance, which penalty shall be imposed against the person or persons found to have maintained the nuisance, and, in case any owner or agent of the building found to have had actual or constructive notice of the maintenance of such nuisance, against such owner or agent, and against the building kept or used for the purposes of maintaining a moral nuisance, which penalty shall be collected by execution as in civil actions, and when collected, shall be paid into the current expense fund of the county in which the judgment is had.

Such order shall also require the renewal for one year of any bond furnished by the owner of the real property, as provided in section 10 of this 1977 amendatory act or, if not so furnished, shall continue for one year any closing order issued at the time of granting the temporary injunction, or, if no such closing order was then issued, shall include an order directing the effectual closing of the place against its use for any purpose and keeping it closed for a period of one year unless sooner released.

The owner of any place closed and not released under bond may then appear and obtain such release in the manner and upon fulfilling the requirements provided in section 10 of this 1977 amendatory act.

Owners of unsold personal property and contents so seized must appear and claim the same within ten days after such order of abatement is made, and prove innocence to the satisfaction of the court of any knowledge of such use thereof, and that with reasonable care and diligence they could not have known thereof. If such innocence is established, such unsold personal property and contents shall be delivered to the owner, otherwise it shall be sold as provided in this section. For removing and selling the personal property and contents, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution; and for closing the place and keeping it closed, a reasonable sum shall be allowed by the court.

Sec. 16. Section 4, chapter 127, Laws of 1913 and RCW 7.48.080 are each amended to read as follows:

In case of the violation of any injunction granted under the provisions of RCW 7.48.050 through ~~(7.48.110)~~ 7.48.100 as now or hereafter amended, the court or judge may summarily try and punish the offender. The proceedings shall be commenced by filing with the clerk of the court an information under oath, setting out the alleged facts constituting such violation, upon which the court or judge shall cause an attachment to issue, under which the defendant shall be arrested. The trial may be had upon ~~(affidavits)~~ affidavits, or either party may demand the production and oral examination of the witnesses. A party found guilty of contempt under the provisions of this section shall be punished by a fine or not less than two

hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than three nor more than six months, or by both fine and imprisonment.

NEW SECTION. Sec. 17. There is added to chapter 127, Laws of 1913 and to chapter 7.48 RCW a new section to read as follows:

If a tenant or occupant of a building or tenement, under a lawful title, uses such place for the purposes of maintaining a moral nuisance, such use makes void at the option of the owner the lease or other title under which he holds, and without any act of the owner causes the right of possession to revert and vest in such owner, who may without process of law make immediate entry upon the premises.

Sec. 18. Section 5, chapter 127, Laws of 1913 as amended by section 1, chapter 94, Laws of 1927 and RCW 7.48.090 are each amended to read as follows:

~~((If the existence of a nuisance be established in an action as provided in RCW 7.48.050 through 7.48.110, or in a criminal proceeding, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the building or place where such nuisance is maintained, of all furniture, musical instruments and movable property, used in conducting the nuisance, and may direct the sale thereof in the manner provided for the sale of chattels under execution, and there shall be entered as a part of the judgment in the case, an order effectually closing the building or place against its use for any purpose, and so keeping it closed for a period of not exceeding six months, and such judgment shall contain a decree perpetually enjoining the person or persons found to have maintained such nuisance, from maintaining such nuisance, and such judgment shall impose a penalty of three hundred dollars for the maintenance of such nuisance, which penalty shall be imposed against the person or persons found to have maintained the nuisance, and, in case the owner, or agent, of the building is found to have had actual or constructive notice of the maintenance of such nuisance, against such owner, or agent, and against the building kept or used for the purposes prohibited by RCW 7.48.050 through 7.48.110, which penalty shall be collected by execution as in civil actions, and when collected, shall be paid into the current expense fund of the county in which the judgment is had. If any person shall break and enter or use a building or place so directed to be closed, he shall be punished as for contempt as provided in RCW 7.48.080. For removing and selling all movable property, and collecting the penalty, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property, or collecting money, on execution, and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.))~~ Lewd matter is contraband, and there are no property rights therein. All personal property declared to be a moral nuisance in sections 2 and 3 of this 1977 amendatory act and all moneys and other consideration declared to be a moral nuisance under section 4 of this 1977 amendatory act are the subject of forfeiture to the local government and are recoverable as damages in the county wherein such matter is sold, exhibited, or otherwise used. Such moneys may be traced to and shall be recoverable from persons who, under section 8 of this 1977 amendatory act, have knowledge of the nuisance at the time such moneys are received by them.

Upon judgment against the defendants in legal proceedings brought pursuant to RCW 7.48.050 through 7.48.100 as now or hereafter amended, an accounting shall be made by such defendant or defendants of all moneys received by them which have been declared to be a public nuisance under this section. An amount equal to the sum of all moneys estimated to have been taken in as gross income from such unlawful commercial activity shall be forfeited to the general funds of the city and county governments wherein such matter is sold or exhibited, to be shared equally, as a forfeiture of the fruits of an unlawful enterprise and as partial restitution for damages done to the public welfare, public health, and public morals.

Where the action is brought pursuant to RCW 7.48.050 through 7.48.100 as now or hereafter amended, special injury need not be proven, and the costs of abatement are a lien on both the real and personal property used in maintaining the nuisance. Costs of abatement include, but are not limited to the following:

- (1) Investigative costs;
- (2) Court costs;
- (3) Reasonable attorney's fees arising out of the preparation for and trial of the cause, appeals therefrom, and other costs allowed on appeal;
- (4) Printing costs of trial and appellate briefs, and all other papers filed in such proceedings.

Sec. 19. Section 6, chapter 127, Laws of 1913 as amended by section 2,

chapter 94, Laws of 1927 and RCW 7.48.100 are each amended to read as follows:

~~(The proceeds of the sale of the personal property, as provided in RCW 7.48.090, shall be applied in payment of the costs of the action and abatement, and the penalty imposed upon the owners of such personal property, and the balance, if any, shall be paid to the person owning such property prior to said sale.)~~ The provisions of any criminal statutes with respect to the exhibition of, or the possession with the intent to exhibit, any obscene film shall not apply to a motion picture projectionist, usher, or ticket taker acting within the scope of his employment, if such projectionist, usher, or ticket taker (1) has no financial interest in the place wherein he is so employed, other than his salary, and (2) freely and willingly gives testimony regarding such employment in any judicial proceedings brought under RCW 7.48.050 through 7.48.100 as now or hereafter amended, including pretrial discovery proceedings incident thereto, when and if such is requested, and upon being granted immunity by the trial judge sitting in such matters.

NEW SECTION. Sec. 20. If any provision of this 1977 amendatory 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.



AN ACT Relating to revenue and taxation; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030; and prescribing an effective date.

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

Section 1. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030 are each amended to read as follows:

The tax hereby levied shall not apply to the following sales:

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16 or 82.28 RCW: PROVIDED, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12 RCW;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16 RCW, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36 RCW: PROVIDED, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12 RCW;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: PROVIDED, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12 RCW;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers whether owned by or leased with or without drivers and used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce whether such use is by the owner or whether such motor vehicles and trailers are leased to the user with or without drivers: PROVIDED, That the purchaser or user must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to nonresidents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the purchaser at a point outside this state, or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) and appropriate exemption certificate supported by identification ascertaining residence as provided by the department of revenue and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the department of revenue with the regular report and a duplicate to be retained by the dealer.

(16) Sales of poultry for use in the production for sale of poultry or poultry products.

(17) Sales to nonresidents of this state for use outside of this state of machinery and implements for use in conducting a farming activity, when such machinery and implements will be transported immediately outside the state. As proof of exemption, an affidavit or certification in such form as the department of revenue shall require shall be made for each such sale, to be retained as a business record of the seller.

(18) Sales for use in states, territories and possessions of the United States which are not contiguous to any other state, but only when, as a necessary incident to the contract of sale, the seller delivers the subject matter of the

sale to the purchaser or his designated agent at the usual receiving terminal of the carrier selected to transport the goods, under such circumstances that it is reasonably certain that the goods will be transported directly to a destination in such noncontiguous states, territories and possessions.

(19) Sales to municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services rendered in respect to contracts for watershed protection and/or flood prevention. This exemption shall be limited to that portion of the selling price which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act, Public Laws 566, as amended;

(20) Sales of semen for use in the artificial insemination of livestock;

(21) Sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that he is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this subsection must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of one dollar. The department may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his own, or a counterfeit permit, with intent to violate the provisions of this subsection shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

(22) Sales of form lumber to any person engaged in the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof.

(23) Sales of, cost of, or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling of sand, gravel and rock when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to sales of, cost of, or charges made for such labor and services, if the sand, gravel, or rock is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(24) Sales of wearing apparel to persons who themselves use such wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(25) Sales of pollen.

(26) Sales to one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(27) The renting or leasing of motor vehicles and trailers to a nonresident of this state for use exclusively in transporting persons or property across

the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and for purposes of this exemption the term "nonresident" shall apply to a renter or lessee who has one or more places of business in this state as well as in one or more other states but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained and operated from the renter's or lessee's place of business in another state.

(28) Sales of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(29) Sales of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(30) Sales of insulin, prosthetic devices, and medically prescribed oxygen.

(31) Sales of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of "food products" provided for in this paragraph shall not apply: (a) When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

Sec. 2. Section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030 are each amended to read as follows:

The provisions of this chapter shall not apply:

(1) In respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than thirty days prior to the time he entered this state;

(2) In respect to the use of any article or tangible personal property purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already

been subjected to the tax under chapter 82.08 or 82.12 RCW and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 RCW as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16 RCW;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by a nonresident of this state of any motor vehicle or trailer used exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and in respect to the use by a nonresident of this state of any motor vehicle or trailer so registered and licensed and used within this state for a period not exceeding fifteen consecutive days under such rules as the department of revenue shall adopt: PROVIDED, That under circumstances determined to be justifiable by the department of revenue a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein, shall include a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user's place of business in another state; and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer whether owned by or leased with or without driver to the permit holder and used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of motor vehicles pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state whether such motor vehicle or trailer is owned by or leased with or without driver to the permit holder;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36 RCW: PROVIDED, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of motor vehicles shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of

national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of poultry in the production for sale of poultry or poultry products;

(12) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(13) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to and used exclusively by a school in connection with its driver training program: PROVIDED, That this exemption and the term "school" shall apply only to (a) the University of Washington, Washington State University, the state colleges and the state community colleges or (b) any public, private or parochial school accredited by either the state board of education or by the University of Washington (the state accrediting station) or (c) any public vocational school meeting the standards, courses and requirements established and prescribed or approved in accordance with the Community College Act of 1967 (chapter 8, Laws of 1967 first extraordinary session);

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 RCW or chapter 82.12 RCW;

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed services and are stationed outside this state pursuant to military orders, but this exemption shall not apply to members of the armed services called to active duty for training purposes for periods of less than six months and shall not apply to the use of motor vehicles or trailers acquired less than thirty days prior to the discharge or release from active duty of any person from the armed services;

(16) In respect to the use of semen in the artificial insemination of livestock;

(17) In respect to the use of form lumber by any person engaged in the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof;

(18) In respect to the use of any sand, gravel, or rock to the extent of the cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling such sand, gravel, or rock, when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in sand pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to the use of such material to the extent of the cost of or charge made for such labor and services, if the material is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(19) In respect to the use of wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(20) In respect to the use of tangible personal property held for sale and displayed in single trade shows for a period not in excess of thirty days, the primary purpose of which is to promote the sale of products or services.

(21) In respect to the use of pollen.

(22) In respect to the use of the personal property of one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(23) In respect to the use of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written

prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(24) In respect to the use of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(25) In respect to the use of insulin, prosthetic devices, and medically prescribed oxygen.

(26) In respect to the use of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of "food products" provided for in this paragraph shall not apply: (a) When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

NEW SECTION. Sec. 3. The provisions of this 1977 amendatory act shall take effect July 1, 1978.

by section 12, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.040; amending section 24, chapter 83, Laws of 1967 ex. sess. as last amended by section 13, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.180; amending section 25, chapter 83, Laws of 1967 ex. sess. as last amended by section 14, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.190; amending section 30, chapter 83, Laws of 1967 ex. sess. as amended by section 15, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.240; amending section 33, chapter 83, Laws of 1967 ex. sess. as amended by section 16, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.270; amending section 41, chapter 83, Laws of 1967 ex. sess. as amended by section 17, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.405; amending section 45, chapter 83, Laws of 1967 ex. sess. as last amended by section 18, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.420; amending section 49, chapter 83, Laws of 1967 ex. sess. as last amended by section 19, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.424; amending section 50, chapter 83, Laws of 1967 ex. sess. as amended by section 20, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.425; amending section 14, chapter 83, Laws of 1967 ex. sess. as amended by section 22, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.080; creating new sections; repealing section 6, chapter 317, Laws of 1977 1st ex. sess. and RCW 82.36.____; repealing section 10, chapter 317, Laws of 1977 1st ex. sess. and RCW 46.68.____; repealing section 21, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.4251; repealing section 23, chapter 317, Laws of 1977 1st ex. sess. (uncodified); and repealing section 24, chapter 317, Laws of 1977 1st ex. sess. (uncodified).

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

NEW SECTION. Section 1. It is the intent of the people to repeal the Variable Gas Tax Bill (chapter 317, Laws of 1977 1st ex. sess.) enacted by the first extraordinary session of the 45th Legislature and restore the tax structure affected thereby to that existing on June 30, 1977.

Sec. 2. Section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 317, Laws of 1977 1st ex. sess. and RCW 82.36.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle which is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber(†) or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable gas(†) or liquid, by whatsoever name such gasoline, gas or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles, or motorboats;

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of motor vehicles;

(6) "Director" means the director of motor vehicles;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the



Relating to transportation taxation; amending section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 317, Laws of 1977 1st ex. sess. and RCW 82.36.010; amending section 1, chapter 28, Laws of 1974 ex. sess. as amended by section 2, chapter 317, Laws of 1977 1st ex. sess. and RCW 82.36.020; amending section 82.36.100, chapter 15, Laws of 1961 as last amended by section 3, chapter 317, Laws of 1977 1st ex. sess. and RCW 82.36.100; amending section 3, chapter 22, Laws of 1963 ex. sess. as last amended by section 4, chapter 317, Laws of 1977 1st ex. sess. and RCW 82.37.030; amending section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 5, chapter 317, Laws of 1977 1st ex. sess. and RCW 82.38.030; amending section 35.77.010, chapter 7, Laws of 1965 as last amended by section 7, chapter 317, Laws of 1977 1st ex. sess. and RCW 35.77.010; amending section 46.68.090, chapter 12, Laws of 1961 as last amended by section 8, chapter 317, Laws of 1977 1st ex. sess. and RCW 46.68.090; amending section 46.68.100, chapter 12, Laws of 1961 as last amended by section 9, chapter 317, Laws of 1977 1st ex. sess. and RCW 46.68.100; amending section 9, chapter 83, Laws of 1967 ex. sess. as amended by section 11, chapter 317, Laws of 1977 1st ex. sess. and RCW 46.68.150; amending section 10, chapter 83, Laws of 1967 ex. sess. as last amended

storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway(=

(15) "~~Weighted average retail sales price of motor vehicle fuel" means the average retail sales price excluding any federal excise tax of the several grades of motor vehicle fuel (other than special fuels taxed pursuant to chapter 82.38 RCW) sold by service stations throughout the state (less any state excise taxes on the sale, distribution, or use thereof) weighted to reflect the quantities sold at each different price;~~

(16) "~~Aggregate motor vehicle fuel tax revenues" means the amount of excise taxes to be paid by distributors, retailers, and users pursuant to chapters 82.36, 82.37, and 82.38 RCW, as now or hereafter amended, for any designated fiscal period, whether or not such amounts are actually received by the department of motor vehicles. The phrase does not include fines or penalties assessed for violations;~~

(17) "~~Fiscal half year" means a six month period ending June 30th or December 31st).~~

Sec. 3. Section 1, chapter 28, Laws of 1974 ex. sess. as amended by section 2, chapter 317, Laws of 1977 1st ex. sess. and RCW 82.36.020 are each amended to read as follows:

Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director ~~((at a rate computed in the manner provided in section 6 of this 1977 amendatory act))~~ of nine cents for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36.100: PROVIDED, That under such regulations as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. ~~((Any person paying such excise tax who, in turn, sells or distributes such fuel to another, whether or not for use, shall include the tax as part of the selling price of the fuel. Any person thereafter paying a price for such fuel which includes an increment for the tax imposed hereunder, and who subsequently resells said fuel, shall include the increment so paid as part of the selling price of the fuel. The tax imposed hereunder shall be in addition to any other tax required by law, and shall not be imposed under circumstances in which the tax is prohibited by the Constitution or laws of the United States.))~~ The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel.

The proceeds of the ~~((motor vehicle fuel))~~ nine cents excise tax collected on the net gallonage after the deduction provided for herein ~~((and after the deductions for refunds and costs of collection as provided in RCW 46.68.090 as now or hereafter amended.))~~ shall be distributed as ~~((provided in RCW 46.68.100, as now or hereafter amended))~~ follows:

(1) Six and seven-eighths cents shall be distributed between the state, cities, counties, and Puget Sound ferry operations account in the motor vehicle fund under the provisions of RCW 46.68.090 and 46.68.100 as now or hereafter amended.

(2) Five-eighths of one cent shall be distributed to the state and expended pursuant to RCW 46.68.150.

(3) Five-eighths of one cent shall be paid into the motor vehicle fund and credited to the urban arterial trust account created by RCW 47.26.080.

(4) Three-eighths of one cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350.

(5) One-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110, subject to the provisions of RCW 35.76.050: PROVIDED, That the funds allocated to a city or town which are attributable to such one-half cent of the additional tax imposed by this 1961 amendatory act shall be used exclusively for the construction, improvement and repair of arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120, or for the payment of any municipal indebtedness which may be incurred after June 12, 1963 in the construction, improvement and repair of arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

Sec. 4. Section 82.36.100, chapter 15, Laws of 1961 as last amended by section 3, chapter 317, Laws of 1977 1st ex. sess. and RCW 82.36.100 are each amended to read as follows:

Every person other than a distributor who acquires any motor vehicle fuel within this state upon which payment of tax is required under the provisions of this chapter, or imports such motor vehicle fuel into this state and sells, distributes, or in any manner uses it in this state shall, if the tax has not been paid, apply for a license to carry on such activities, file bond, make reports, comply with all regulations the director may prescribe in respect thereto, and pay ~~((an excise))~~ a tax ~~((at the rate computed in the manner provided in section 6 of this 1977 amendatory act))~~ of nine cents for each gallon thereof so sold, distributed, or used ~~((during the fiscal half year for which such rate is applicable))~~ in the manner provided for distributors, and the director shall issue a license to such person in the manner provided for issuance of licenses to distributors. The proceeds of the tax imposed by this section shall be distributed in the manner provided for the distribution of the motor vehicle fuel ~~((excise))~~ tax in RCW 82.36.020 ~~((as now or hereafter amended))~~. However, a distributor licensed under the provisions of this chapter may deliver motor vehicle fuel to an importer in individual quantities of five hundred gallons or less and assume the liability for payment of the tax to this state. Under such conditions, the importer shall be exempt from the requirements of this section. For failure to comply with the terms of this chapter such person shall be subject to the same penalties imposed upon distributors. The director shall pursue against such persons the same procedure and remedies for audits, adjustments, collection, and enforcement of this chapter as is provided with respect to distributors. Nothing herein shall be construed as classifying such persons as distributors.

Sec. 5. Section 3, chapter 22, Laws of 1963 ex. sess. as last amended by section 4, chapter 317, Laws of 1977 1st ex. sess. and RCW 82.37.030 are each amended to read as follows:

In consideration of the use of the public highways of this state, motor carriers who import motor vehicle fuel into the state of Washington in the fuel supply tank or tanks of commercial motor vehicles for use in propelling said vehicles on said highways shall be subject to a tax for such use of the highways as hereinafter provided. A tax at the rate ~~((computed in the manner provided in section 6 of this 1977 amendatory act))~~ of nine cents per gallon is hereby imposed upon every motor carrier measured and determined by the number of gallons of motor vehicle fuel so imported and actually used by such motor carrier in its operations within this state ~~((during the fiscal half year for which such rate is applicable))~~.

Sec. 6. Section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 5, chapter 317, Laws of 1977 1st ex. sess. and RCW 82.38.030 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax ~~((at the rate computed in the manner provided in section 6 of this 1977 amendatory act))~~ of nine cents per gallon or each one hundred cubic feet of compressed natural gas measured at standard pressure and temperature on the use (within the meaning of the word use as defined herein) of special fuel in any motor vehicle ~~((during the fiscal half year for which such rate is applicable))~~; PROVIDED, That in order to encourage experimentation with nonpolluting fuels, no tax shall be imposed upon the use of natural gas as herein defined or on liquified petroleum gas, commonly called propane, which is used in any motor vehicle until July 1, 1977.

(2) Said tax shall be collected by the special fuel dealer and shall be paid over to the department as hereinafter provided: (a) With respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles or into storage facilities used for the fueling of motor vehicles at unbonded service stations in this state; or (b) in all other transactions where the purchaser indicates in writing to the special fuel dealer prior to or at the time of the delivery that the entire quantity of the special fuel covered by the delivery is for use by him for a taxable purpose as a fuel in a motor vehicle.

(3) Said tax shall be paid over to the department by the special fuel user as hereinafter provided: (a) With respect to special fuel upon which the tax has not previously been imposed which was acquired in any manner other than by delivery by a special fuel dealer into a fuel supply tank of a motor vehicle in this state; or (b) in all transactions with a special fuel dealer in this state where a written statement has not been furnished to the special fuel dealer as set forth in subsection (2)(b) of this section.

It is expressly provided that delivery of special fuel may be made without collecting the tax otherwise imposed, when such deliveries are made by a bonded special fuel dealer to special fuel users who are authorized by the department as hereinafter provided, to purchase fuel without payment of tax to the bonded special fuel dealer.

Sec. 7. Section 35.77.010, chapter 7, Laws of 1965 as last amended by section 7, chapter 317, Laws of 1977 1st ex. sess. and RCW 35.77.010 are each amended to read as follows:

(1) Prior to July 1, 1968, the legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six calendar years and shall file the same with the director of highways not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these findings each such legislative body (~~(prior to July 1st of each year)~~) shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program, and each one year extension and revision shall be filed with the director of highways not more than thirty days after its adoption. The purpose of this section shall be to assure that perpetually each city and town shall have available advanced plans, looking to the future for not less than six years as a guide in carrying out a coordinated street construction program. Such program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six year program of each city lying within an urban area shall contain a separate section setting forth the six year program for arterial street construction based upon its long range construction plan and formulated in accordance with regulations of the urban arterial board. The six year program for arterial street construction shall be submitted to the urban arterial board forthwith after its annual revision and adoption by the legislative body of the city. The six year program for arterial street construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority may request for urban arterials only from the urban arterial trust account for the six year period. The arterial street construction program shall provide for a more rapid rate of completion of the long range construction needs of major arterial streets than for secondary and collector arterial streets, pursuant to regulations of the urban arterial board (~~(- PROVIDED, That urban arterial trust funds made available to the group of incorporated cities lying outside the boundaries of federally approved urban areas within each region need not be divided between functional classes of arterials but shall be available for any designated arterial street)~~).

(2) On and after July 1, 1976~~(h)~~) each six year program forwarded to the director in compliance with subsection (1) of this section shall contain information as to how a city or town will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycle, pedestrian, and equestrian purposes.

Sec. 8. Section 46.68.090, chapter 12, Laws of 1961 as last amended by section 8, chapter 317, Laws of 1977 1st ex. sess. and RCW 46.68.090 are each amended to read as follows:

All moneys which have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and the ~~(special)~~ use fuel tax shall be first expended for the following purposes:

(1) For payment of refunds of motor vehicle fuel tax and ~~(special)~~ use fuel tax which has been paid and is refundable as provided by law;

(2) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor~~(h)~~) and the department of motor vehicles of the state of Washington in the administration of the motor vehicle fuel tax and the ~~(special)~~ use fuel tax, said sums to be distributed monthly.

The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the ~~(special)~~ use fuel tax and remaining after payments as provided in subsections (1) and (2) above shall, for the purposes of this chapter, be referred to as the "net tax amount."

Sec. 9. Section 46.68.100, chapter 12, Laws of 1961 as last amended by section 9, chapter 317, Laws of 1977 1st ex. sess. and RCW 46.68.100 are each amended to read as follows:

From the net tax amount in the motor vehicle fund there shall be paid ~~(monthly as funds accrue the following)~~ sums as follows:

(1) ~~(To the cities and towns, to be distributed as provided by RCW 46.68.110, sums equal to six and ninety two hundredths percent of the net tax amount;~~

~~(2) To the cities and towns, to be expended as provided by section 10 of this 1977 amendatory act, sums equal to four and sixty one hundredths percent of the net tax amount;~~

~~(3) To the counties, sums equal to twenty two and seventy eight hundredths percent of the net tax amount out of which there shall be distributed from time to time, as directed by the highway commission, those~~

~~sums as may be necessary to carry out the provisions of RCW 47.56.725, with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.130;~~

~~(4) To the urban arterial trust account in the motor vehicle fund, sums equal to seven and twelve hundredths percent of the net tax amount;~~

~~(5) To the state, to be expended as provided by RCW 46.68.130, sums equal to forty five and twenty six hundredths percent of the net tax amount;~~

~~(6) To the state, to be expended as provided by RCW 46.68.150 as now or hereafter amended, sums equal to six and ninety five hundredths percent of the net tax amount;~~

~~(7) To the Puget Sound reserve account in the motor vehicle fund sums equal to three and twenty one hundredths percent of the net tax amount;~~

~~(8) To the Puget Sound ferry operations account in the motor vehicle fund sums equal to three and fifteen hundredths percent of the net tax amount))~~

There shall be paid to the cities and towns of the state sums equal to ten and forty four hundredths percent of the net tax amount to be paid monthly as the same accrues;

(2) To the counties of the state there shall be paid sums equal to thirty two and sixty one hundredths percent of the net tax amount out of which there shall be distributed from time to time, as directed by the highway commission, those sums as may be necessary to carry out the provisions of RCW 47.56.725 as now or hereafter amended, with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

(3) To the state there shall be paid to be expended as provided by RCW 46.68.130, sums equal to fifty five and five tenths percent of the net tax amount to be paid monthly as the same accrues.

(4) There shall be paid to the Puget Sound ferry operations account sums equal to one and forty five hundredths percent of the net tax amount to be paid monthly as the same accrues.

Nothing in this section or in RCW 46.68.090 ~~(as now or hereafter amended)~~ or 46.68.130 shall be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor ~~(and special)~~ vehicle fuels.

Sec. 10. Section 9, chapter 83, Laws of 1967 ex. sess. as amended by section 11, chapter 317, Laws of 1977 1st ex. sess. and RCW 46.68.150 are each amended to read as follows:

The ~~(sums)~~ proceeds of five eighths of one cent of motor vehicle fuel tax and use fuel tax distributed to the state pursuant to RCW ~~(46.68.100(6) as now or hereafter amended)~~ 82.36.020(2), after proper deductions for refunds and costs of collection as provided in RCW 46.68.090, and the proceeds of bonds issued and sold pursuant to RCW 47.26.400 through 47.26.407 shall be expended by the state highway commission for construction and improvement of state highways in urban areas as provided for in RCW 47.26.040 through 47.26.070 or for payment of principal and interest on bonds issued pursuant to RCW 47.26.400 through 47.26.407 ~~(- PROVIDED, That at the end of each fiscal quarter the state treasurer shall determine the amount, if any, that the sums distributed to the state pursuant to RCW 46.68.100(6) as now or hereafter amended exceed an amount equivalent to the proceeds of five eighths of one cent motor vehicle and special fuel excise tax collected on the net gallonage after the deductions provided for in RCW 82.36.020 for the preceding fiscal quarter. The amount so ascertained shall be available first to repay the counties, cities, and towns for any moneys derived from excise taxes on motor vehicle and special fuels distributable to the counties, cities, and towns pursuant to RCW 46.68.100 but as a result of the pledge and debt service payment provisions contained in RCW 47.26.404 and 47.26.405 and as certified by the state finance committee have been used to repay state urban bonds (and interest thereon) authorized by RCW 47.26.400 through 47.26.407, and after such sums have been repaid in full, then for expenditure as provided in RCW 46.68.130).~~

Sec. 11. Section 10, chapter 83, Laws of 1967 ex. sess. as last amended by section 12, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.040 are each amended to read as follows:

The term "urban area" means every area of this state designated as an urban area by the state highway commission with the approval of the federal department of the secretary of transportation or the federal highway administrator in accordance with federal law, ~~(hereafter referred to as federally approved urban areas)~~ or areas within incorporated cities as determined by the office of program planning and fiscal management.

Sec. 12. Section 24, chapter 83, Laws of 1967 ex. sess. as last amended by section 13, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.180 are each amended to read as follows:

Arterial designation and classification, as provided for by this chapter, shall be required to be an integral and coordinated portion of its planning process as authorized by chapters 35.63 or 36.70 RCW. The legislative authority of each county and city lying within or having within its boundaries an urban area shall with the advice and assistance of its chief engineer and its planning office divide all of its roads or streets into arterial roads or streets and access roads or streets and shall further subdivide the arterials into three functional classes to be known as major arterials, secondary arterials, and collector arterials, all in accordance with uniform standards established by the urban arterial board(~~(-- PROVIDED, That incorporated cities lying outside federally approved urban areas shall not be required to subdivide arterials into functional classes).~~). Upon receipt of the classification plans of the several counties and cities, the urban arterial board shall review and revise the classification for the urban arterials as necessary to conform with its uniform standards for classifying urban arterials.

Sec. 13. Section 25, chapter 83, Laws of 1967 ex. sess. as last amended by section 14, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.190 are each amended to read as follows:

~~((4) At the beginning of each biennium the urban arterial board shall establish apportionment percentages for))~~ Once each calendar quarter, the urban arterial board, shall apportion funds credited to the urban arterial trust account, including the proceeds from motor vehicle fuel tax revenues, bond sales, anticipatory notes and interfund loans, which are available for the construction and improvement of urban arterials among the five regions defined in RCW 47.26.050 in the manner prescribed in RCW 47.26.060 ((for that biennium,)) relating to the apportionment of state urban funds except calculation((9)) of needs shall be based upon a projection of needs for the ensuing six year period as determined by the state highway commission. ((Except as otherwise provided in subsection (3) of this section, such apportionment percentages shall be used once each calendar quarter by the urban arterial board to apportion funds credited to the urban arterial trust account which are available for expenditure for urban arterial projects. The funds so apportioned shall remain apportioned until expended on construction projects in accordance with rules and regulations of the urban arterial board.

~~(2) All amounts credited to the urban arterial trust account, except those provided for in subsection (3) of this section and except proceeds from the sale of first authorization bonds and any funds that may be required to repay such bonds or the interest thereon when due, after apportionment to each region, shall be divided on the basis of relative population established at the beginning of each biennium by the office of program planning and fiscal management between (a) the group of cities and that portion of those counties within federally approved urban areas and (b) the group of incorporated cities outside the boundaries of federally approved urban areas. Within each region, funds divided between the groups identified under (a) and (b) above shall then be allocated by the urban arterial board to incorporated cities and counties, as the case may be, for the construction of specific urban arterial projects in accordance with the procedures set forth in RCW 47.26.240.~~

~~(3) At the beginning of each biennium the urban arterial board shall establish apportionment percentages for each of the five regions for the apportionment of the proceeds from the sale of fifteen million dollars of series II bonds authorized by RCW 47.26.420, as now or hereafter amended, in the ratio which the population of the incorporated cities and towns lying outside the boundaries of federally approved urban areas of each region bears to the total population of all incorporated cities and towns of the state lying outside the boundaries of federally approved urban areas, as such populations are determined at the beginning of each biennium by the office of program planning and fiscal management. Such apportionment percentages shall be used once each calendar quarter by the urban arterial board to apportion funds credited to the urban arterial trust account which are available for expenditure for urban arterial projects. The funds so apportioned shall remain apportioned until expended on construction projects in accordance with rules and regulations of the urban arterial board. Funds apportioned to each region shall be allocated by the urban arterial board to incorporated cities lying outside the boundaries of federally approved urban areas, for the construction of specific urban arterial projects in accordance with the procedures set forth in RCW 47.26.240.))~~

Sec. 14. Section 30, chapter 83, Laws of 1967 ex. sess. as amended by section 15, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.240 are

each amended to read as follows:

Upon receipt of a county's or city's revised six year program, the urban arterial board as soon as practicable shall review and may revise the construction program as it relates to urban arterials for which urban arterial trust account moneys are requested as necessary to conform to (1) the priority rating of the proposed project, based upon the factors in RCW 47.26.220, in relation to proposed projects in all other urban arterial construction programs submitted by the cities and counties in the same region, and ~~((within each region, projects proposed by the group of cities and counties within federally approved urban areas shall be evaluated separately from the projects proposed by the group of incorporated cities outside the boundaries of federally approved urban areas; and))~~ (2) the amount of urban arterial trust account funds which the urban arterial board estimates will be apportioned to the region~~((-- and further divided between the group of cities and counties within federally approved urban areas and the group of incorporated cities outside the boundaries of federally approved urban areas;))~~ in the ensuing six year period.

Sec. 15. Section 33, chapter 83, Laws of 1967 ex. sess. as amended by section 16, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.270 are each amended to read as follows:

Counties and cities receiving funds from the urban arterial trust account for construction of arterials shall provide such matching funds as shall be established by regulations recommended by the urban arterial board subject to review, revision~~((t))~~ and final approval by the state highway commission. Matching requirements shall be established after appropriate studies by the board taking into account (1) financial resources available to counties and cities to meet arterial needs, (2) the amounts and percentages of funds available for road or street construction traditionally expended by counties and cities on arterials, (3) in the case of counties, the relative needs of arterials lying outside urban areas, and (4) the requirements necessary to avoid diversion of funds traditionally expended for arterial construction to other street or road purposes or to nonhighway purposes~~((-- PROVIDED HOWEVER, That for projects funded subsequent to the effective date of this 1977 amendatory act, and prior to July 1, 1983, cities and counties may use as matching funds any moneys received from any source, except such moneys which by law may not be used for the purposes set forth in this chapter)).~~

Sec. 16. Section 41, chapter 83, Laws of 1967 ex. sess. as amended by section 17, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.405 are each amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle ((and special)) fuels and which is distributed to the state under the provisions of RCW ((46.68.100(6) as now or hereafter amended)) 82.36.020(2) for construction of state highways in urban areas, and shall never constitute a charge against any allocations of any other such funds to the state, counties, cities~~((t))~~ and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle ((and special)) fuels and available to the state for construction of state highways in urban areas proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Sec. 17. Section 45, chapter 83, Laws of 1967 ex. sess. as last amended by section 18, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.420 are each amended to read as follows:

In order to provide funds necessary to meet the urgent construction needs on county and city arterials within urban areas, there ~~((are hereby authorized for issuance))~~ shall be issued and sold general obligation bonds of the state of Washington~~((-- the first authorization of which shall be))~~ in the sum of two hundred million dollars~~((-- and the second authorization of which, to be known as series II bonds, shall be in the sum of sixty million dollars which shall be issued and sold in such amounts))~~ or such amount thereof and at such times as determined to be necessary by the state highway commission. The amount of such bonds issued and sold under the provisions of RCW 47.26.420 through 47.26.427 in any biennium shall not exceed the amount of a specific appropriation therefor, from the proceeds of such bonds, for the construction of county and city arterials in urban areas. The issuance, sale~~((t))~~ and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale~~((t))~~ and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state highway commission.

Sec. 18. Section 49, chapter 83, Laws of 1967 ex. sess. as last amended by section 19, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.424 are each amended to read as follows:

Bonds issued under the provisions of RCW 47.26.420 through 47.26.427 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 such bonds shall be first payable in the manner provided in RCW 47.26.420 through 47.26.427 from the proceeds of state excise taxes on motor vehicle ~~((and special))~~ fuels imposed by chapter ~~((#))~~ 82.36~~(= 82.37, and 82.38)~~ RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.26.420 through 47.26.427, and the legislature hereby agrees to continue to impose the same 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 provisions of RCW 47.26.420 through 47.26.427.

Sec. 19. Section 50, chapter 83, Laws of 1967 ex. sess. and amended by section 20, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.425 are each amended to read as follows:

Any funds required to repay ~~((the first authorization of two hundred million dollars of))~~ such bonds ~~((authorized by RCW 47.26.420, as amended by section 18 of this 1977 amendatory act))~~ or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle ~~((and special))~~ fuels and which is distributed to the urban arterial trust account in the motor vehicle fund, and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities~~(=)~~ and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle ~~((and special))~~ fuels and distributed to the urban arterial trust account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Sec. 20. Section 14, chapter 83, Laws of 1967 ex. sess. as amended by section 22, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.080 are each amended to read as follows:

There is hereby created in the motor vehicle fund the urban arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the urban arterial trust account shall be expended for the construction and improvement of city arterial streets and county arterial roads within urban areas, for expenses of the urban arterial board, or for the payment of principal or interest on bonds issued for the purpose of constructing or improving city arterial streets and county arterial roads within urban areas~~(= or for reimbursement to the state, counties, cities, and towns in accordance with section 21 of this 1977 amendatory act, the amount of any payments made on principal or interest on urban arterial trust account bonds from motor vehicle or special fuel tax revenues which were distributable to the state, counties, cities, and towns))~~.

NEW SECTION. Sec. 21. The following acts or parts of acts are each hereby repealed:

- (1) Section 6, chapter 317, Laws of 1977 1st ex. sess. and RCW 82.36____;
- (2) Section 10, chapter 317, Laws of 1977 1st ex. sess. and RCW 46.68____;
- (3) Section 21, chapter 317, Laws of 1977 1st ex. sess. and RCW 47.26.4251;
- (4) Section 23, chapter 317, Laws of 1977 1st ex. sess. (uncodified); and
- (5) Section 24, chapter 317, Laws of 1977 1st ex. sess. (uncodified).

of voter registration within the county and shall be the custodian of all official voter registration records for that county.

NEW SECTION. Sec. 7. The secretary of state shall design a unified voter registration form, compatible with existing records, which will permit the applicant to conveniently prepare, on a single card, an original registration, an initiative signature card as required by section 14 of this 1977 amendatory act, and a cancellation of any prior registration in this state. The applicant shall enter the required information, other than his or her signature, no more than one time. The form shall also contain instructions on its use, a notification of filing deadlines specified by section 16 of this 1977 amendatory act, a warning to the applicant of the penalty for knowingly supplying false information, and space for the county auditor to enter the voter's precinct identification, taxing district identification, and registration number. The reverse side of the form shall be printed to permit mailing to the county auditor.

NEW SECTION. Sec. 8. Registration forms necessary to carry out the registration of voters as provided by this chapter shall be furnished by the secretary of state without cost to the respective counties.

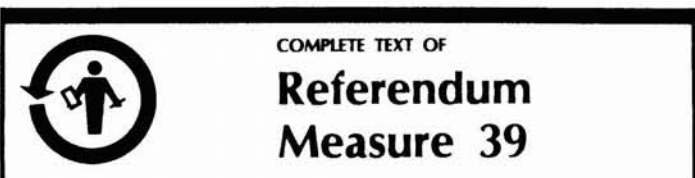
NEW SECTION. Sec. 9. The original voter registration records for all precincts within each county shall be filed alphabetically without regard to precincts in the office of the county auditor and shall not be open to public inspection. The information from such records, with the exception of date of birth, shall be available for public inspection and copying as provided in RCW 29.04.100 and 29.04.110.

NEW SECTION. Sec. 10. Each county auditor shall maintain a computer file on magnetic tape or disk, punched cards, or other form of data storage containing the records of all registered voters within the county. Where it is necessary or advisable, the auditor may provide for the maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW, as now or hereafter amended. The computer file shall include, but not be limited to, each voter's name, residence address, sex, date of registration, applicable taxing district and precinct codes, and the last five consecutive dates on which the individual has voted: PROVIDED, That if the voter has not voted at least five times since establishing his or her current registration record, only the available dates shall be included. The county auditor shall subsequently record each consecutive date upon which the individual votes and retain at least the last five such consecutive dates. The computer file of voter registration records shall be arranged so that individual precinct lists of registered voters may be prepared containing only the names, and other information required by this section, listed alphabetically by the surnames of the voters in that precinct.

NEW SECTION. Sec. 11. There is established in the state general fund an account, entitled the voter registration assistance account, to be used to compensate county auditors in counties with fewer than twelve thousand registered voters at the time of the most recent state general election, for unrecoverable costs incident to the maintenance of voter registration records on electronic data processing systems. The secretary of state shall administer the voter registration assistance account and authorize the payments therefrom under such rules as he may prescribe. County auditors in counties entitled to this compensation shall be paid annually an amount equal to thirty cents for each registered voter in that county at the time of the most recent state general election.

NEW SECTION. Sec. 12. The expense of voter registration and the maintenance of voter registration records shall be apportioned between the county and the cities and towns within that county according to the number of voters registered in all rural areas of the county and in each city and town, respectively, at the time of the last state general election.

NEW SECTION. Sec. 13. The county auditor shall be responsible for the distribution of voter registration forms by which a person may register to vote and cancel any previous registration in the state. Registrations submitted on such voter registration forms need not be subscribed to by the county auditor or a deputized registrar. The county auditor shall keep an adequate supply of voter registration forms in his or her office at all times for political parties and others interested in assisting in voter registration, and he or she shall make every effort to make these forms generally available to the public through government offices, businesses, labor union offices, schools, and any other locations necessary to extend registration opportunities to all areas of the county. After the initial distribution of voter registration forms to a given location, it shall be the duty of a representative designated at that location by that office, business, union, school, firm, or other establishment to notify the county auditor of the need for additional supplies of voter registration forms.



NEW SECTION. Sec. 6. In all counties, all voters shall be registered in accordance with the provisions of this chapter. For the purpose of this chapter, "county auditor" shall have the meaning ascribed to that term by RCW 29.04.095(1). The county auditor shall be responsible for the conduct

NEW SECTION. Sec. 14. An applicant for registration shall record on the registration form the following items concerning his or her qualifications as a voter of this state, and of the county, city, town, and precinct in which he or she applies for registration:

(1) The address of his or her last former registration as a voter in this state, if applicable;

(2) His or her full name;

(3) His or her sex;

(4) His or her date of birth;

(5) His or her place of residence for voting purposes, giving the street and number, or post office box and physical description sufficient to determine location; and

(6) His or her daytime telephone number, if any. After completing this information concerning his or her qualifications, the applicant shall sign a statement in the following form: "I, the undersigned, hereby declare that the facts set forth relating to my qualifications as a voter are true. I further declare that I am a citizen of the United States, that I am not presently denied my civil rights as a result of being convicted of an infamous crime, that I will have lived in this state, county, and precinct thirty days immediately preceding the next election at which I offer to vote, and that I will be at least eighteen years of age at the time of voting."

The applicant shall also sign his or her name upon a separate portion of the voter registration card, to be designated as an initiative signature card, which also contains spaces for his or her surname, followed by his or her given name or names, the names of the county and city or town, with post office or street address, the date on which the individual registered, and the name or number of the precinct in which the voter is registered.

The voter registration form shall provide, in a conspicuous place, the following warning: "Any person who knowingly supplies false information on this voter registration form or who knowingly makes a false declaration as to his or her qualifications for registration shall be guilty of a class C felony."

NEW SECTION. Sec. 15. Upon receipt of a completed voter registration form, the county auditor shall immediately examine the form to see that the applicant for registration is not currently registered in that county and shall record on the form the precinct identification, taxing district identification, and other information required by law. Except as provided in section 16 of this 1977 amendatory act, the county auditor, within thirty days of receipt of a voter registration form, shall send to the applicant by first class mail a voter registration card identifying his or her current precinct and containing such other information as may be prescribed by the secretary of state. If the voter registration form is incomplete or incorrect the county auditor, within fifteen days of receipt of such form, shall so notify the applicant, and if necessary, send him or her a new voter registration form. The post office shall be instructed not to forward this form or any voter registration card to any other address and to return to the county auditor all undelivered forms and voter registration cards.

NEW SECTION. Sec. 16. To be included among the records of a given precinct for any primary or election, the applicant's voter registration form must be received not later than thirty days prior to that primary or election. An applicant for voter registration whose otherwise complete and correct application is received less than thirty days prior to a primary or election shall be notified by the county auditor that he or she is not eligible to vote in such primary or election at a regular precinct polling place, explaining that he or she may vote an absentee ballot for said primary or election under section 19 of this 1977 amendatory act.

NEW SECTION. Sec. 17. At least thirty-five days prior to each primary or election, the county auditor shall give notice that, in order to be eligible to vote in that election at a regular precinct polling place, an original voter registration form or a request for transfer must be received not later than thirty days prior to that primary or election.

NEW SECTION. Sec. 18. Any qualified elector temporarily residing outside of the county of his or her permanent residence but within the state of Washington, may submit a registration form to the auditor of the county in which he or she is temporarily residing in the manner provided in this chapter. The county auditor receiving the voter registration forms as provided in section 15 of this 1977 amendatory act shall transmit the forms to the county auditor of the county where the applicant permanently resides. A voter registration form received from another county shall be processed immediately by the county auditor of the place of permanent residence of the applicant in the manner provided in sections 15 and 16 of this 1977 amendatory act.

NEW SECTION. Sec. 19. Any otherwise qualified elector whose otherwise complete and correct application for voter registration is received by the county auditor less than thirty days prior to a primary or election, general or special, may apply prior to the day of any such primary or election in person to the office of the county auditor of the county of his or her residence for a special absentee ballot for such election or primary. The auditor shall register the individual in the manner provided in this chapter, but the registration shall not be effective until thirty days after its execution. The auditor, after the twenty-first day before the election in which the individual intends to vote, shall issue the individual an absentee ballot for any election which occurs before the effectiveness of the individual's registration. This absentee ballot shall be of the same form and shall be processed and canvassed in the same manner as other absentee ballots under chapter 29.36 RCW, as now or hereafter amended.

NEW SECTION. Sec. 20. On the first Monday of each calendar month the county auditor shall transmit all initiative signature cards which have been received in his or her office during the prior month to the secretary of state for filing in his office. Each lot must be accompanied by the certificate of the county auditor that the cards so transmitted are the original cards, and that the voters are registered in the precincts and from the addresses shown thereon.

NEW SECTION. Sec. 21. The initiative signature cards shall be kept on file in the office of the secretary of state in such manner as will be most convenient for, and for the sole purpose of, checking initiative and referendum petitions. They shall not be open to public inspection or be used for any other purpose.

NEW SECTION. Sec. 22. Prior to each primary or election, the county auditor shall prepare a precinct list of registered voters for each precinct in which that primary or election is to be conducted and a certificate as to the authenticity of those records. He or she shall deliver the precinct list of registered voters and the certificate to the inspector or one of the judges of the appropriate precinct at the proper polling place as provided by RCW 29.48.030, as now or hereafter amended.

NEW SECTION. Sec. 23. The precinct list of registered voters for each precinct, delivered to the precinct election officers for use on the day of a primary or an election held in that precinct, shall be returned by them to the county auditor upon the closing of the polling place or at the completion of the count of the votes cast in that precinct at the primary or election. The lists shall be retained by the county auditor for a period of at least one year following the election. These records shall be open to public inspection under such rules as the county auditor may prescribe.

NEW SECTION. Sec. 24. The secretary of state, as chief election officer, shall adopt rules not inconsistent with the provisions of this chapter to:

(1) Provide the specifications, including style, form, color, quality, and dimensions of the cards, records, forms, lists, and other supplies to be used in recording and maintaining voter registration records;

(2) Establish standards and procedures for the maintenance of voter registration records on electronic data processing systems and the use of voter registration information in the conduct of elections; and

(3) Facilitate the registration of voters in an orderly manner and assist county auditors in the performance of their responsibilities under this chapter.

He or she shall provide planning, coordination, training, and other assistance to county auditors to facilitate the maintenance of voter registration records on electronic data processing systems and the use of voter registration in the conduct of elections.

NEW SECTION. Sec. 25. Sections 6 through 24 of this 1977 amendatory act shall constitute a new chapter in Title 29 RCW.

NEW SECTION. Sec. 111. *The following acts or parts of acts are each hereby repealed:*

(NOTE: The material in italics is not part of the text of the referendum; it is printed here only to clarify the effect of the remaining portion of this section.)

(1) Section 29.07.010, chapter 9, Laws of 1965, section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010;

(2) Section 29.07.020, chapter 9, Laws of 1965, section 5, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.020;

(3) Section 29.07.030, chapter 9, Laws of 1965 and RCW 29.07.030;

(4) Section 29.07.040, chapter 9, Laws of 1965, section 6, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.040;

(5) Section 29.07.050, chapter 9, Laws of 1965, section 7, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.050;

(6) Section 29.07.060, chapter 9, Laws of 1965, section 8, chapter 202, Laws of 1971 ex. sess., section 1, chapter 21, Laws of 1973 1st ex. sess.

and RCW 29.07.060;

(7) Section 2, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.065;

(8) Section 29.07.070, chapter 9, Laws of 1965, section 9, chapter 202, Laws of 1971 ex. sess., section 3, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.070;

(9) Section 29.07.080, chapter 9, Laws of 1965, section 10, chapter 202, Laws of 1971 ex. sess., section 4, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.080;

(10) Section 29.07.090, chapter 9, Laws of 1965, section 11, chapter 202, Laws of 1971 ex. sess., section 5, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.090;

(11) Section 2, chapter 153, Laws of 1973, section 1, chapter 184, Laws of 1975 1st ex. sess. and RCW 29.07.092;

(12) Section 29.07.095, chapter 9, Laws of 1965, section 12, chapter 202, Laws of 1971 ex. sess., section 6, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.095;

(13) Section 29.07.100, chapter 9, Laws of 1965, section 13, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.100;

(14) Section 29.07.105, chapter 9, Laws of 1965, section 14, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.105;

(15) Section 29.07.110, chapter 9, Laws of 1965, section 15, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.110;

(16) Section 23, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.115;

(17) Section 29.07.120, chapter 9, Laws of 1965, section 16, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.120;

(18) Section 29.07.130, chapter 9, Laws of 1965, section 17, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.130;

(19) Section 29.07.140, chapter 9, Laws of 1965, section 18, chapter 202, Laws of 1971 ex. sess., section 7, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.140;

(20) Section 29.07.150, chapter 9, Laws of 1965, section 19, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.150;

(21) Section 29.07.160, chapter 9, Laws of 1965, section 20, chapter 202, Laws of 1971 ex. sess., section 4, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.160;

(22) Section 29.07.170, chapter 9, Laws of 1965, section 21, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.170;

(23) Section 29.07.180, chapter 9, Laws of 1965, section 22, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.180;

(24) Section 12, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.220;

(25) Section 13, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.230;

(26) Section 14, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.240;

NEW SECTION. Sec. 2. There is established a Washington state women's commission in the office of the governor. Upon the effective date of this act, the Washington state women's commission shall replace the Washington state women's council, and all equipment, files, and records of the council shall be transferred to the commission.

NEW SECTION. Sec. 3. (1) The commission shall consist of fourteen members appointed by the governor with the advice and consent of the senate. Two members of the senate, not of the same political party, appointed by the president of the senate, and two members of the house of representatives, not of the same political party, appointed by the speaker of the house, shall serve as advisory members. The governor shall consider nominations for membership based upon maintaining a balanced distribution of ethnic, geographic, sex, age, and occupational representation, where practicable.

(2) All women's commission members shall serve at the pleasure of the governor, but in no case shall any member serve more than three years without formal reappointment by the governor. All legislative advisory members shall serve for a two year term, and the position of any legislative advisory member shall be deemed vacated whenever such member ceases to be a member of the house from which he or she was appointed. Of the persons initially appointed by the governor to the women's commission, five shall be appointed to serve one year, five to serve two years, and four to serve three years. Upon expiration of such terms, subsequent appointments shall be for three years. Any vacancies occurring in the membership of the commission shall be filled for the remainder of the unexpired term in the same manner as the original appointments.

(3) Members shall be reimbursed for subsistence, lodging, and transportation expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(4) Fifty percent of the membership plus one shall constitute a quorum for the purpose of conducting business.

(5) The governor shall appoint an executive director of the commission.

NEW SECTION. Sec. 4. The executive director shall appoint a staff who shall be state employees pursuant to Title 41 RCW.

NEW SECTION. Sec. 5. The commission shall adopt, pursuant to chapter 34.04 RCW, the Administrative Procedure Act, rules necessary to carry out the purposes of this chapter.

NEW SECTION. Sec. 6. (1) The commission shall examine and define issues pertaining to the rights and needs of all women and make recommendations to the governor, the legislature, and state agencies with respect to desirable changes in programs, laws, and administrative practices.

(2) The commission shall further advise such state agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of women.

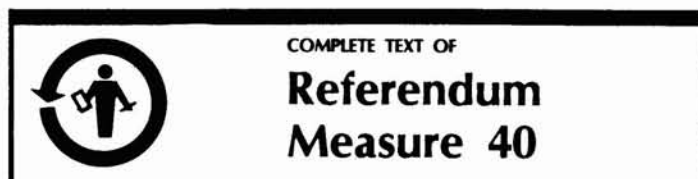
(3) The commission is authorized to gather data and disseminate information to the public in order to implement the purposes of this chapter.

(4) Each state department and agency shall provide appropriate and reasonable assistance to the commission as needed in order that the commission may carry out the purposes of this chapter.

NEW SECTION. Sec. 7. In carrying out its duties the commission may establish such relationships with public and private institutions, local governments, private industry, community organizations, and other segments of the general public as may be needed to promote equal opportunity for women in government, education, economic security, employment, and services.

NEW SECTION. Sec. 8. The commission shall have authority to receive such gifts, grants, and endowments from private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the commission and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments, and the purposes of this chapter. The executive director shall make a report of such funds received from private sources to the legislative budget committee on a current basis. Such funds received from private sources shall not be applied to reduce or substitute for the commission's budget as appropriated by the legislature, but, shall be applied and expended toward projects and functions authorized by this chapter which were not funded by the legislature.

NEW SECTION. Sec. 9. 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.



AN ACT Relating to state government; creating the Washington state women's commission; creating a new chapter in Title 43 RCW; making an appropriation; and providing an expiration date for the Washington state women's commission.

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

NEW SECTION. Section 1. The legislature reaffirms that the public policy of this state is to insure equal opportunity for all of its citizens. The legislature finds that women have unique and special problems. It is the purpose of this chapter to improve the status and well-being of women by insuring their full and equal participation in government, business and education and recognizing their contribution to the home, family, and community. The legislature further finds that it is desirable to direct a continuing evaluation and study of state laws and rules as they affect women; and further, to encourage the education of the citizens of this state in respect to public policy as it relates to the diverse pursuits of women, and to encourage the promotion of equality. Therefore, the legislature deems it necessary to create a commission to carry out the purposes of this chapter.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 11. To carry out the provisions of this act there is appropriated to the Washington state women's commission from the general fund for the biennium ending June 30, 1979, the sum of two thousand dollars, or so much thereof as shall be necessary.

NEW SECTION. Sec. 12. The Washington state women's commission shall cease to exist on June 30, 1983, unless extended by law for an additional fixed period of time.



COMPLETE TEXT OF

Initiative Measure 59

AN ACT Relating to the withdrawal of public waters for use in irrigation of agricultural lands; establishing family farm permits and other water permit classifications; and adding a new chapter to Title 90 RCW.

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

NEW SECTION. Section 1. This chapter shall be known and may be cited as the "Family Farm Water Act".

NEW SECTION. Sec. 2. Nothing in this chapter shall affect any right to withdraw and use public waters if such rights were in effect prior to the effective date of the act, and nothing herein shall modify the priority of any such existing right.

NEW SECTION. Sec. 3. The people of the state of Washington recognize that it is in the public interest to conserve and use wisely the public surface and ground waters of the state in a manner that will assure the maximum benefit to the greatest possible number of its citizens. The maximum benefit to the greatest number of citizens through the use of water for the irrigation of agricultural lands will result from providing for the use of such water on family farms. To assure that future permits issued for the use of public waters for irrigation of agricultural lands will be made on the basis of deriving such maximum benefits, in addition to any other requirements in the law, all permits for the withdrawal of public waters for the purpose of irrigating agricultural lands after the effective date of this act shall be issued in accord with the provisions of this chapter.

NEW SECTION. Sec. 4. For the purposes of this chapter, the following definitions shall be applicable:

(1) "Family farm" means a geographic area including not more than two thousand acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than two thousand acres of irrigated agricultural lands in the state of Washington which are irrigated under rights acquired after the effective date of this act.

(2) "Person" means any individual, corporation, partnership, limited partnership, organization, or other entity whatsoever, whether public or private. The term "person" shall include as one person all corporate or partnership entities with a common ownership of more than one-half of the assets of each of any number of such entities.

(3) "Controlling interest" means a property interest that can be transferred to another person, the percentage interest so transferred being sufficient to effect a change in control of the landlord's rights and benefits. Ownership of property held in trust shall not be deemed a controlling interest where no part of the trust has been established through expenditure or assignment of assets of the beneficiary of the trust and where the rights of the family farm permit which is a part of the trust cannot be transferred to another by the beneficiary of the trust under terms of the trust. Each trust of a separate donor origin shall be treated as a separate entity and the administration of property under trust shall not represent a controlling interest on the part of the trust officer.

(4) "Department" means the department of ecology of the state of Washington.

(5) "Application", "permit" and "public waters" shall have the meanings attributed to these terms in chapters 90.03 and 90.44 RCW.

(6) "Public water entity" means any public or governmental entity with authority to administer and operate a system to supply water for irrigation of agricultural lands.

NEW SECTION. Sec. 5. After the effective date of this act, all permits issued for the withdrawal of public waters for the purpose of irrigating agricultural lands shall be classified as follows and issued with the conditions set forth

in this chapter:

(1) "Family farm permits". Such permits shall limit the use of water withdrawn for irrigation of agricultural lands to land qualifying as a family farm.

(2) "Family farm development permits". Such permits may be issued to persons without any limit on the number of acres to be irrigated during a specified period of time permitted for the development of such land into family farms and the transfer of the controlling interest of such irrigated lands to persons qualifying for family farm permits. The initial period of time allowed for development and transfer of such lands to family farm status shall not exceed ten years. Such time limit may be extended by the department for not to exceed an additional ten years upon a showing to the department that an additional period of time is needed for orderly development and transfer of controlling interests to persons who can qualify for family farm permits.

(3) "Publicly owned land permits". Such permits shall be issued only to governmental entities permitting the irrigation of publicly owned lands.

(4) "Public water entity permits". Such permits may be issued to public water entities under provisions requiring such public water entity, with respect to delivery of water for use in the irrigation of agricultural lands, to make water deliveries under the same provisions as would apply if separate permits were issued for persons eligible for family farm permits, permits to develop family farms, or for the irrigation of publicly owned land: PROVIDED, HOWEVER, That such provisions shall not apply with respect to water deliveries on federally authorized reclamation projects if such federally authorized projects provide for acreage limitations in water delivery contracts.

NEW SECTION. Sec. 6. (1) The right to withdraw water for use for the irrigation of agricultural lands under authority of a family farm permit shall have no time limit but shall be conditioned upon the land being irrigated complying with the definition of a family farm as defined at the time the permit is issued: PROVIDED, HOWEVER, That if the acquisition by any person of land and water rights by gift, devise, bequest, or by way of bona fide satisfaction of a debt, would otherwise cause land being irrigated pursuant to a family farm permit to lose its status as a family farm, such acquisition shall be deemed to have no effect upon the status of family farm water permits pertaining to land held or acquired by the person acquiring such land and water rights if all lands held or acquired are again in compliance with the definition of a family farm within five years from the date of such acquisition.

(2) If the department determines that water is being withdrawn under a family farm permit for use on land not in conformity with the definition of a family farm, the department shall notify the holder of such family farm permit by personal service of such fact and the permit shall be suspended two years from the date of receipt of notice unless the person having a controlling interest in said land satisfies the department that such land is again in conformity with the definition of a family farm. The department may, upon a showing of good cause and reasonable effort to attain compliance on the part of the person having the controlling interest in such land, extend the two year period prior to suspension. If conformity is not achieved prior to five years from the date of notice the rights of withdrawal shall be canceled.

NEW SECTION. Sec. 7. (1) At any time that the holder of a family farm development permit or a publicly owned land permit shall transfer the controlling interest of all or any portion of the land entitled to water under such permit to a person who can qualify to receive water for irrigation of such land under a family farm permit, the department shall, upon request, issue a family farm permit to such person under the same conditions as would have been applicable if such request had been made at the time of the granting of the original family farm development permit. If the permit under which water is available is held by a public water entity prior to the transfer of the controlling interest to a person who qualifies for a family farm permit, such entity shall continue delivery of water to such land without any restriction on the length of time of delivery not applicable generally to all its water customers.

(2) The issuance of a family farm permit secured through the acquisition of land and water rights from the holder of a family farm development permit, or from the holder of a publicly owned land permit, where water delivery prior to the transfer is from a public water entity, may be conditioned upon the holder of the family farm permit issued continuing to receive water through the facilities of the public water entity.

NEW SECTION. Sec. 8. The department is hereby empowered to promulgate such rules as may be necessary to carry the provisions of this

chapter. Decisions of the department, other than rule making, shall be subject to review in accordance with chapter 43.21B RCW.

NEW SECTION. Sec. 9. This chapter is exempted from the rule of strict construction and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

NEW SECTION. Sec. 10. If any provision of this act, or its application to any person, organization, or circumstance is held invalid or unconstitutional, the remainder of the act, or the application of the provision to other persons, organizations, or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall constitute a new chapter in Title 90 RCW.



COMPLETE TEXT OF

Senate Joint Resolution 113

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

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, amendments to Article IV, section 6, and Article IV, section 10, of the Constitution of the state of Washington, so that said sections shall read as follows:

Article IV, section 6. The superior court shall have original jurisdiction in all cases in equity and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to ~~((one))~~ three thousand dollars or as otherwise determined by law, or a lesser sum in excess of the jurisdiction granted to justices of the peace and other inferior courts, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.

Article IV, section 10. The legislature shall determine the number of justices of the peace to be elected and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: PROVIDED, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. Justices of the peace shall have original jurisdiction in cases where the demand or value of the property in controversy is less than three hundred dollars or such greater sum, not to exceed ~~((one))~~ three thousand dollars or as otherwise determined by law, as shall be prescribed by the legislature. In incorporated cities or towns having more than five thousand inhabitants, the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.

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



COMPLETE TEXT OF

House Joint Resolution 55

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

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XII of the state Constitution by amending section 18 thereof to read as follows:

Article XII, section 18. The legislature ~~((shall))~~ may pass laws establishing reasonable ~~((maximum))~~ rates of charges for the transportation of passengers and freight, and to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.

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



COMPLETE TEXT OF

House Joint Resolution 56

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

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XII of the state Constitution by amending section 15 thereof to read as follows:

Article XII, section 15. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state, or coming from or going to any other state. ~~((Persons and property transported over any railroad, or by any other transportation company, or individual, shall be delivered at any station, landing or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing. Excursion and commutation tickets may be issued at special rates.))~~

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



COMPLETE TEXT OF

House Joint Resolution 57

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

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XII of the state Constitution by repealing section 14 thereof in its entirety.

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

Article XII, Section 14

PROHIBITION AGAINST COMBINATIONS BY CARRIERS. No railroad company, or other common carrier, shall combine or make any contract with the owners of any vessel that leaves port or makes port in this state, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

farm" permits within an initial time period not exceeding ten years from the date of issuance of the permit and a possible additional period of up to ten years. Purchasers of irrigated land developed under a family farm development permit in parcels of two thousand acres or less would receive water rights without any time limitations.

The other two classifications of permits are (1) permits which may be issued only to governmental entities for the purpose of irrigating publicly owned land, and (2) permits which may be issued to public water entities, such as irrigation districts, for distribution of water for agricultural irrigation under the same provisions as would apply if separate permits were issued to persons eligible for a family farm permit, a permit to develop family farms, or a permit for publicly owned lands.

None of the provisions of the initiative shall effect any right to use public waters in effect prior to the effective date of the initiative.

Voter's Check List

Every Washington voter will vote on ten state measures at the approaching state general election, Tuesday, November 8, 1977. The ballot titles for the state measures are reproduced below as a convenience to the voter in preparing to go to the polls or cast an absentee ballot. Voters are encouraged to bring any lists or sample ballots to the polling places to make voting easier. State law reads: "Any voter may take with him into the polling place any printed or written memorandum to assist him in marking or preparing his ballot." (RCW 29.51.180)

CUT THIS PAGE OUT AND TAKE TO YOUR POLLING PLACE

	YES	NO
Initiative Measure 335 — "Shall places where obscene films are publicly and regularly shown or obscene publications a principal stock in trade be prohibited?"	<input type="checkbox"/>	<input type="checkbox"/>
Initiative Measure 345 — "Shall most food products be exempt from state and local retail sales and use taxes, effective July 1, 1978?"	<input type="checkbox"/>	<input type="checkbox"/>
Initiative Measure 348 — "Shall the new variable motor vehicle fuel tax law be repealed and the previous tax and distribution formula be reinstated?"	<input type="checkbox"/>	<input type="checkbox"/>
Referendum Measure 39 — "Shall certain changes be made in voter registration laws, including registration by mail and absentee voting on one day's registration?"	<input type="checkbox"/>	<input type="checkbox"/>
Referendum Measure 40 — "Shall a state Women's Commission be established by statute?"	<input type="checkbox"/>	<input type="checkbox"/>
Initiative to the Legislature 59 — "Shall new appropriations of public water for non-public agricultural irrigation be limited to farms of 2,000 acres or less?"	<input type="checkbox"/>	<input type="checkbox"/>
Senate Joint Resolution 113 — "Shall the legislature be authorized to grant district courts jurisdiction over cases involving more than \$1,000?"	<input type="checkbox"/>	<input type="checkbox"/>
House Joint Resolution 55 — "Shall the legislature be authorized, but not required, to establish reasonable transportation rates for both passengers and freight?"	<input type="checkbox"/>	<input type="checkbox"/>
House Joint Resolution 56 — "Shall the constitutional provision that transportation charges to given destinations may never exceed charges to more distant destinations be repealed?"	<input type="checkbox"/>	<input type="checkbox"/>
House Joint Resolution 57 — "Shall the constitutional prohibition against the common carrier doing the carrying sharing earnings with another common carrier be repealed?"	<input type="checkbox"/>	<input type="checkbox"/>

1977 Official VOTERS PAMPHLET



AVISO: Existe traducción al español de la mayor parte del texto del Panfleto de Votantes. Si Ud desea recibir esta información en español, hagalo ordenando su ejemplar (copia) a la oficina del auditor del condado, departamento de elecciones del condado, o bien enviando su nombre y dirección a:

**SECRETARY OF STATE
LEGISLATIVE BUILDING
OLYMPIA, WA 98504**

El Panfleto le sera enviado gratis a vuelta de correo.